

**LEMON GROVE [CITY COUNCIL]
AGENDA ITEM SUMMARY**

Item No. 1
Mtg. Date August 10, 2016
Dept. City Manager's Office

Item Title: **An Initiative to Rescind the Prohibition of Marijuana Dispensaries and add the Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code Certified as Sufficient by the San Diego County Registrar of Voters**

Staff Contact: Susan Garcia, City Clerk and James P. Lough, City Attorney

Recommendation:

That City Council either: 1) Adopt the ordinance, without alteration (**Attachment B**); 2) Submit the ordinance, to the voters at the November 8, 2016, municipal election and adopt resolutions (**Attachments E, F, and G**).

Item Summary:

On May 31, 2016, in accordance with State law, the City Clerk accepted a citizens' initiative petition titled "An Initiative to Rescind the Prohibition of Marijuana Dispensaries and add the Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code,"

The initiative petition contained the required 1,172 valid signatures to place the proposed measure on the ballot and Elections Code Section 9114 requires the City Clerk to certify the results of the examination to the City Council. Further, Elections Code Section 9215 requires the City Council to take action on the initiative petition.

Fiscal Impact:

The San Diego County Registrar of Voters has estimated the cost for the November 6, 2012, election to be \$32,000; the addition of this initiative is estimated to be \$11,000.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section [] | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- | | |
|---|--|
| A. Staff Report | E. Resolution ordering submission to the November 8, 2016 Ballot |
| B. Lemon Grove Marijuana Dispensary Authorization Ordinance | F. Resolution for filing written arguments |
| C. Ballot Title and Summary prepared by the City Attorney | G. Resolution for filing of rebuttal arguments |
| D. San Diego County Registrar of Voters Letter Verifying Petition Sufficiency | |

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1

Mtg. Date August 10, 2016

Item Title: **An Initiative to Rescind the Prohibition of Marijuana Dispensaries and add the Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code Certified as Sufficient by the San Diego County Registrar of Voters**

Staff Contact: Susan Garcia, City Clerk and James P. Lough, City Attorney

Discussion:

On April 12, 2016, initiative proponents filed a Notice of Intention to Circulate Petition along with the “An Ordinance by the People of the City of Lemon Grove, California to Add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code by Adding Chapter 17.32 (Land Use); Amending Section 5.04.220 to Add Business License Taxes for Medical Marijuana Dispensaries and Procedures for City Council Amendments.” In accordance with Elections Code Section 9203, the City Attorney prepared the title and summary of the ordinance titled “An Initiative to Rescind the Prohibition of the Marijuana Dispensaries and add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code.”

On May 31, 2016, Isai Canedo, with written authorization by proponent Christopher Siegal, submitted to the City Clerk signatures for examination pertaining to the initiative petition “An Initiative to Rescind the Prohibition of the Marijuana Dispensaries and add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code.” On the same day, the petition was forwarded to the San Diego County Registrar of Voters to examine records of registration and ascertain that the petition had been signed by the requisite number of City of Lemon Grove registered voters.

Originally, the Registrar of Voters issued a certification that showed the signature total fell thirty-six signatures short of the amount necessary to qualify for the November ballot. As allowed by law, the Proponent reviewed the signature count in order to contest any irregularities. The largest number of rejected signatures that were contested arose out of the Registrar rejecting thirty signatures for not having the date filled in by the signers. While the Proponent had added a place for the signers to list the date of their signature, general elections laws do not require the signers to date their signatures. The Circulator of each section of the initiative is required to fill in the dates when they collected the signatures. The Proponent probably used a form from a charter city that requires each signer give the date of her or his signature. There were other questions raised by the Proponent about the addresses of voters and whether signatures matched. Most, if not all, of these decisions by the Registrar were within his discretion as an election official. However, that discretion can be subject to court review.

The final issue came down to discrepancies between when signers dated their signatures and when the Circulators listed the dates that each collected the signatures. The Proponent did not bring up this issue until the lawsuit was filed. This category had eighteen signatures with several mistakes found in different sections of the initiative. Since the case law will often consider these errors as “clerical” in nature, the Registrar decided to accept these eighteen signatures, or at least enough of them, to make up the rest of the thirty-six signature deficit.

Attachment A

After reviewing the lawsuit filed by a Lemon Grove voter and the Proponent, the Registrar has agreed to issue a new certificate in exchange for dismissal of the lawsuit. Each side to bear their own costs and fees.

With the receipt of the new Certificate, the City Council is required to either adopt the measure or place it on the ballot. Both the City Clerk and City Attorney recommend that the Council act upon the newly issued certificate demonstrating that the initiative received a sufficient number of signatures. This allows the City Council to place it on the November general municipal election ballot and ask the County for consolidation of the election with the Statewide November General Election.

A copy of the Registrar of Voters reissued certification is attached as **Attachment D**.

With the Lemon Grove Marijuana Dispensary Authorization Ordinance deemed sufficient, the City Council is required to take one of the following actions in accordance with Elections Code Section 9215:

- (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 subdivision (b) of Section 1405.

Conclusion:

Staff recommends that the City Council consider taking the following action(s):

1. Adopt the ordinance, without alteration, or
2. Adopt the resolutions adding the initiative petition to the November 8, 2016, ballot; setting priorities for filing written arguments and directing the City Attorney to prepare an impartial analysis; and setting priorities for filing written arguments.

**An Initiative to Rescind the Prohibition of Marijuana Dispensaries
and Add the Medical Marijuana Regulatory Ordinance to the
Lemon Grove Municipal Code**

WHEREAS the California voters approved Proposition 215 in 1996 to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes and to encourage elected officials to implement a plan for the safe and affordable distribution of medicine; and

WHEREAS the California State Legislature adopted Senate Bill 420, the Medical Marijuana Program Act, in 2003 to help clarify and further implement Proposition 215 in part by authorizing patients and *Primary caregivers* to associate within the State of California in order to collectively or cooperatively cultivate cannabis for medical purposes; and

WHEREAS the California State Legislature adopted Assembly Bill 243, Assembly Bill 266, and Senate Bill 643, collectively known as the Medical Marijuana Regulation and Safety Act, in 2015 to establish a statewide regulatory framework and establish the Bureau of Medical Marijuana Regulation for the regulation of *medical marijuana* activity occurring in jurisdictions across California;

The People of the City of Lemon Grove and the City Council of the City of Lemon Grove hereby ordain as follows:

Section 1. Chapter 17.32 (Medical Marijuana Regulatory Ordinance - Land Use) is hereby added to the Lemon Grove Municipal Code to read as shown in Attachment "1" as though fully set forth at this point.

Section 2. Lemon Grove Municipal Code Section 5.04.220 is hereby amended to read as shown in Attachment "2" as though fully set forth at this point. This amendment adds a provision to the Lemon Grove Municipal Code for a business license tax for *Medical Marijuana Dispensaries* permitted under State law and approved under regulatory authority granted by the State to the City. No other business license tax amounts or classifications are amended, raised or adopted by this Ordinance.

Section 3. Severability. If any section, sub-section, sentence, clause, phrase, part, or other portion of this measure, or application thereof, is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the remaining portions or provisions of this measure. It is hereby declared by the people voting for this measure that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts or portions, or the application thereof, are declared invalid or unconstitutional.

Section 4. Conflicting Ballot Measures. This measure is inconsistent with and intended as an alternative to any other initiative or measure placed on the same ballot that addresses the same subject matter as this measure. In the event that this measure and another initiative or measure addressing the same subject matter as this measure, or any part thereof, is approved by a majority of voters as the same election, and this measure receives a greater number of affirmative votes than any other such initiative or measure, then this measure shall prevail and control in its entirety and said other initiative or measure shall be rendered void and without any legal effect.

Section 5. Amendment of this Measure. This measure, except as specified herein, shall only be amended by a subsequent vote of the People. Notwithstanding any other law or provision in this measure, the City Council shall have the right and the ability to amend or modify this measure under the following circumstances:

- a. After this measure has been in effect in the City of Lemon Grove for a period of three years, the City Council, in its sole and exclusive discretion, determines that regulations, fees, permits or penalties warrant adjustment due to inflation, unreasonable cost burdens to the City or *Dispensaries*, unreasonable regulatory burdens to the City or *Dispensaries*, or that a zoning or regulatory restriction contained in the measure has created any other unnecessary or unanticipated burden to the City or *Dispensaries*;
- b. The City Council, in its sole and exclusive discretion, determines that the regulations, penalties or fees established in this measure no longer conform to the California State regulations for marijuana activity or that the regulations established in this measure fail to conform to the local licensing requirements for marijuana *Dispensaries*, as outlined in Division 8, Chapter 3.5 of the California Business and Professions Code; or
- c. The City Council, in its sole and exclusive discretion, determines that the City or any of its subsidiary agencies, departments or other controlled legal entities will lose or receive reduced funding, including potential funds from grant eligibility, from the state or federal government for implementing and/or enforcing this measure or any related Lemon Grove law or regulation.

Section 6. Administrative Regulations. This measure specifically delegates to the Lemon Grove City Manager the ability to prepare implementing regulations that are consistent with the terms and conditions of this Ordinance and any amendments or modifications thereto. The City Council shall have the ability to review, modify and approve any implementing regulations adopted by the City Manager at its discretion.

Section 7. Implementation Date. No permit application shall be accepted for processing for a period of three (3) months after the effective date of this Ordinance to allow for the City of Lemon Grove to develop implementing policies. No use shall be permitted under this Ordinance during this three-month (3) implementation period.

Section 8. Effective Date. This Ordinance, in order to go into effect, must be approved by a two-thirds vote of the full City Council. Thereafter, this Ordinance shall not take effect unless and until approved by a majority vote of the people at the November 8, 2016, General Election. Upon approval by the people, the ordinance shall take effect in the manner allowed by law and as specified herein.

Attachment 1

17.32.010. Purpose.

This Chapter establishes the regulations for the use of *medical marijuana*, to the extent allowed by State

Law, in a way that will minimize the impacts on the community and help pay for costs associated with the usage of a controlled substance. This Ordinance does not authorize or permit any conduct not allowed by state law.

17.32.020. Applicability.

A. The intent of this section is to regulate the cultivation, processing and dispensing of *medical marijuana* in a manner that protects the health, safety and welfare of the community. This section is not intended to interfere with a *qualified patient* or *Primary caregiver's* right to *Medical marijuana*, as provided for in California Health & Safety Code Section 11362, nor criminalize the same.

B. *Medical marijuana* for personal use shall be in conformance with the standards set forth in this Title.

17.32.030. Release of Liability and Hold Harmless. The owner and permittee of a *Medical Marijuana Dispensary* or cultivation facility shall release the City of Lemon Grove, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution of cooperative or collective or cultivation owners, operators, employees, *Primary caregiver* or *Qualified patients* for violation of state or federal laws in a form satisfactory to the Director of Development Services. In addition, the business owner and permittee of each *Medical marijuana* cooperative, collective or cultivation facility shall indemnify and hold harmless the City of Lemon Grove and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the cooperative, collective or cultivation facility, and for any claims brought by any of their *Qualified patients* for problems, injuries, damages, or liabilities of any kind that may arise from the distribution, cultivation and/or on- or off-site use of *Medical marijuana* provided at the cooperative, collective or cultivation facility in a form satisfactory to the Director of Development Services.

17.32.040. Application. *Medical marijuana Dispensary* which dispense, process and cultivate medicinal marijuana shall be required to obtain a Conditional Use Permit consistent with 17.28.050 prior to operation. The fact that an applicant possesses other types of state or City permits or Licenses does not exempt the applicant from the requirement of obtaining a Conditional Use Permit to operate a *Medical marijuana Dispensary*.

17.32.050. Definitions. The following words and phrases are italicized throughout this title and shall have the meanings found in this section.

"Director" means a corporate officer, corporate board member, or employee with supervisory responsibilities of an authorized *Dispensary* business that dispenses *medical marijuana*.

"Licensed Physician" means a person educated, clinically experienced, and licensed by the Medical Board of California, or the Osteopathic Medical Board of California to practice medicine.

"Medical Marijuana" means marijuana product used for the treatment of pain and suffering caused by diseases and ailments. *Medical marijuana* does not include recreational use.

"Medical Marijuana Dispensary" (*Dispensary*) means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, as defined by Section 19300.5 of the California Business and Professions Code.

"Medical Marijuana Identification Card" (*MMIC*) A document provided by the San Diego County *Medical Marijuana Identification Card (MMIC)* Program pursuant to the State Department of Health Services that identifies a *Qualified patient* authorized to engage in the medical use of

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marijuana and the person's designated *Primary caregiver*, if any as per California Health and Safety Code §11362.7, and as may be amended.

"Operations Manual" a manual that each *Dispensary* shall develop, implement and maintain on the *Premises* which contains requirements outlined in Section 17.32.090.C.6.

"Person with an Identification Card" means an individual who is a *Qualified patient* who has applied for and received a valid identification card pursuant to this article and the California Health and Safety Code §11362.7, and as may be amended.

"Premises" means a lot, parcel, tract or plot of land, together with the buildings, structures and appurtenances thereon.

"Primary caregiver" means the individual or individuals designated by a *qualified patient* who has consistently assumed responsibility for the housing, health or safety of that *qualified patient*. As used herein, a *Primary caregiver* may only grow, administer, transport, or engage in the activities regulated hereunder on behalf of the *qualified patient* for whom they have consistently assumed responsibility for the housing, health or safety of that *qualified patient*. A *primary caregiver* may engage in other activities as specifically enumerated herein.

"Protected Uses" are for purposes of computing distance separations from any public or private preschools and schools, licensed daycare facilities, any park or playground, alcohol and substance abuse treatment centers.

"Qualified patient" means a person who has obtained a written recommendation or approval from a *licensed physician* to use marijuana for personal medical purposes.

"Regulated uses" are for purposes of computing distance separations for *medical marijuana* Cooperative or Collective businesses (with or without accessory cultivation uses) but excluding individual residential cultivation sites operated by *qualified patients* or *primary caregiver* and located solely in Single Family Residential Zones.

17.32.060. General Provisions

The following information must be submitted with an application to request *medical marijuana* use in conformance to this section and the City of Lemon Grove. All documents which relate to the general provisions and the requirements listed in the submittal requirements must be included in the *Operations Manual*.

A. Physician/Patient Confidentiality.

All processes and reviews conducted pursuant to this Ordinance shall preserve to the maximum extent possible all legal protection and privileges. Disclosure of any member information shall not be deemed a waiver of confidentiality of those records under any provision of state law.

B. Medical marijuana Cultivation Permitted by Compassionate Use Act.

All cultivation of marijuana for medical purposes shall not be declared unlawful by the City of Lemon Grove when said cultivation is conducted solely for the personal medical purposes of *qualified patients*, in accordance with the Compassionate Use Act of 1996. Such cultivation may include the cultivation and possession of both male and female plants in all stages of growth, clones, seedlings and seeds and related cultivation equipment and supplies. *Qualified patients* and/or their *primary caregivers* may cultivate individually and/or collectively as permitted by the State of California and as outlined in the following sections.

17.32.080. Findings

In addition to the findings required for the granting of a Conditional Use Permit by Section 17.28.050 of this Title, the decision making authority shall consider the following:

- A. Whether the approval of the proposed use will violate the minimum requirements set forth in this chapter for distance separations between establishments which dispense, process or cultivate *Medical marijuana*; and separations between establishments which dispense, process or cultivate *Medical marijuana* and other specific regulated or protected land uses as set forth in this chapter.

B. Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code.

17.32.090. Medical marijuana Dispensary Regulations

A. Zones:

Dispensaries may be established by Conditional Use Permit in the Heavy Commercial (HC), Limited Commercial (LC), General Commercial (GC) and Light Industrial (LI) Zones and subject to the distance requirements. *Dispensaries* are prohibited in Mixed-Use Zones (Downtown Village Specific Plan and Central Commercial) and all residential zones (RLM, RL, RM, RMH).

B. Distance Requirements

An application may be submitted provided the proposed facility meets the required distance measurements. For purposes of measurements, all *Dispensaries* are considered *Regulated uses* and public parks as defined at Section 12.20.030 of Lemon Grove Municipal Code, playgrounds as defined at Section 18.28.020, subdivision (v), of the Lemon Grove Municipal Code, licensed day care facilities as defined at Section 17.08.030 of Lemon Grove Municipal Code, schools as defined at California Health and Safety Code section 11362.768, subdivision (h), and alcohol and substance abuse treatment centers are considered *Protected Uses*. Measurement is made between the closest property lines of the *Premises* in which the *Regulated uses* and *Protected Uses* are located. A regulated use must not be:

1. Within 1000 feet of any other regulated use which is located either inside or outside the jurisdiction of the City,
2. Within 1000 feet from any protected use which is located either inside or outside the jurisdiction of the City.

The measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

C. Standards

1. **Background Check Required for *Directors* and Employees.** The *Director* and employees of a *Dispensary* must obtain a Live Scan background check through the California Department of Justice or the San Diego County Sheriff's Department prior to employment. *Directors* convicted of a serious felony, as defined in California Penal Code section 1192.7, subdivision (c), and Health & Safety Code Section 11359 (Possession for sale) within the previous ten years shall not be eligible for a license. Other potential collective employees and volunteers convicted of the crimes identified in this section in the previous five years are ineligible for employment or participation. If during employment with the *Dispensary*, a *Director* or employee is convicted of a crime identified in this section shall be immediately dismissed from employment or required to resign as a corporate board member or officer. For purposes of this section, a conviction in another state that would have been a conviction equivalent under California law to those convictions specified in this section will disqualify the person from employment or volunteering at the *Dispensary*.
2. **Security Personnel Required.** *Dispensaries* shall have at least one uniformed security guard on duty during operating hours that possess a valid Department of Consumer Affairs "Security Guard Card."
3. **Community Relations Liaison Required.** *Dispensaries* shall designate a community relations liaison (liaison) who shall be at least 18 years of age. The liaison may also be the *Director* of the *Dispensary*. To address community complaints or operational problems with the *Dispensaries*, the individual designated as the community relations liaison shall provide

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his or her name, phone number and email address to the following:

- a. Lemon Grove City Manager,
 - b. San Diego County Sheriff's Department personnel supervising law enforcement activity in Lemon Grove
 - c. All neighbors within one hundred feet of the *Dispensary*.
4. **Inspection of Premises.** City Code Enforcement Officers, San Diego Sheriff's Department staff, and any other employee of the City requesting admission for the purpose of determining compliance with the standards set forth in this section shall be given access to the premise. City and Sheriff Staff shall not retain information pertaining to individual patient records viewed during an inspection, and information related to individual patients shall not be made public. Inspectors will give reasonable notice of a scheduled inspection. Unannounced inspections of a *Dispensary* may occur if City or Sheriff Department staff have probable cause that the collective is violating the law.
5. **Inspection Requirements.** In order to facilitate verification that a *Dispensary* operates pursuant to State and local laws, the following records must be maintained at the *Premises* at all times and available for inspection by City Code Enforcement Officers, San Diego Sheriff's Department staff, and any other employee of the City:
- a. Client Records - The *Dispensary* shall keep a record of its clients. The record shall include the following and shall be maintained for a two-year period:
 - i. *Qualified patient* member's name, name of *primary caregiver* when appropriate, and name of *Licensed Physician* recommending use of *medical marijuana* for the member.
 - b. *Medical Marijuana* Records - *Dispensary* shall keep a record of its *medical marijuana* transactions. The following records shall be maintained for a two-year period and labeling shall occur as specified:
 - i. A record identifying the source or sources of all *Medical marijuana* currently on the *Premises* or that has been on the *Premises* during the two-year period preceding the current date. The record shall include the name of the cultivator or manufacturer and the address of the cultivation or manufacturing location.
 - ii. All *Medical marijuana* at the *Premises* must at all times be physically labeled with information that will allow for identification of the source of the *Medical marijuana*.
 - iii. All *Medical marijuana* at the *Premises* shall be physically labeled with the monetary amount to be charged.
 - c. Financial Records - *Dispensary* shall maintain records of all transactions involving money and/or *Medical marijuana* occurring at the *Premises*. Records shall be maintained for a two-year period preceding the current date.
 - d. Employee Records - *Dispensary* shall maintain a record of each employee/volunteer and *Director*. The record shall include name and background check verification. Records shall be maintained for a two- year period following the end of an employee's employment or *Director's* relationship with the *Dispensary*.
6. **Operations Manual.** The application for a Conditional Use Permit shall include a detailed *Operations Manual* including but not necessarily limited to the following information:

- a. Authorization for the City, its agents and employees, to seek verification of the information contained within the application;
- b. A description of the staff screening process including appropriate background checks;
- c. The hours and days of the week the *Dispensary* will be open;
- d. Text and graphic materials showing the site, floor plan and facilities of the *Dispensary*. The material shall also show adjacent structures and land use;
- e. A description of the security measures located on the *Premises*, including but not limited to, lighting, alarms, and automatic law enforcement notification;
- f. A description of the screening, registration and validation process for *qualified patients*;
- g. A description of *qualified patient* records acquisition and retention procedures;
- h. The process for tracking *Medical marijuana* quantities and inventory controls employed, including the source of *Medical marijuana* (on-site cultivation, processing, or plant material, or processed products, received from outside sources);
- i. Procedures to ensure accurate record keeping, including protocols to ensure that quantities purchased do not suggest re-distribution;
- j. Other information required by the Development Services Director.

7. Operating Standards. *Dispensaries* shall comply with all of the following operating standards. In addition to these standards, the *Dispensaries* shall comply at all times with conditions outlined in the approved Conditional Use Permit and the Operational Manual.

- a. Dispensing *Medical marijuana* to an individual *qualified patient* or *primary caregiver* more than once a day is prohibited;
- b. *Dispensaries* shall only dispense *Medical marijuana* to an individual *qualified patient* or *primary caregiver* who has a valid, verified *Licensed Physician's* recommendation, and if appropriate, a valid *Primary caregiver* designation. The *Dispensary* shall verify that the *Licensed Physician's* recommendation is current and valid;
- c. On-site evaluation by a *Licensed Physician* for the purposes of obtaining a *qualified* status is prohibited;
- d. *Dispensaries* shall display the client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the *Dispensary*. The client rules and/or regulations shall include, but are not limited to:
 - i. Each building entrance to a *Dispensary* shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming *Medical marijuana* on the *Premises* or in the vicinity of the *Dispensary* is prohibited unless specifically authorized within the governing Conditional Use Permit.
 - ii. The building entrance to a *Dispensary* shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the *Premises*.
 - iii. The hours of operation for an authorized *Dispensary* shall be limited to between 8:00 a.m. to 8:00 p.m. or as specified within the Conditional Use Permit.
 - iv. *Dispensaries* shall not permit the use or consumption of *medical marijuana* on-site unless specifically authorized under the Conditional Use Permit.
 - v. *Dispensaries* shall not permit the on-site display of unprocessed marijuana plants or

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- representations of marijuana plants in any areas visible to the public;
- vi. All signage for *Dispensaries* shall require a sign permit from the City prior to installation. Signage shall not include any terminology (including slang) or symbols for marijuana.
 - vii. *Dispensaries* shall only permit the distribution of *medical marijuana* plant material and *medical marijuana* manufactured products from licensed sources as allowed by the approved Conditional Use Permit. Such distribution shall be limited to *qualified patients* or *primary caregiver*;
 - e. *Dispensaries* shall maintain on the *Premises* an on-site training curriculum capable of meeting employee, agents and volunteer training needs. The minimum training curriculum shall include professional conduct, ethics, and state and federal laws regarding patient confidentiality; specific procedural instructions for responding to an emergency, including robbery or violent incident.
 - f. *Dispensaries* shall maintain all necessary permits, and pay all appropriate taxes. *Dispensaries* shall also provide invoices to cultivators and manufacturers to ensure tax liability responsibility;
 - g. *Dispensaries* shall implement procedures as outlined in their approved *Operations Manual*;
 - h. *Dispensaries* shall submit an "Annual Performance Review Report" for review and approval by the Development Services Director. The "Annual Performance Review Report" is intended to identify effectiveness of the approved Conditional Use Permit, *Operations Manual*, and Conditions of Approval, as well as any proposed modification to procedures as deemed necessary. The Development Services Director may review and approve amendments to the approved "*Operations Manual*"; and the frequency of the "Annual Performance Review Report." *Medical marijuana* cultivation and dispensing monitoring review fees pursuant to the current Master Fee Schedule shall accompany the "Annual Performance Review Report" for costs associated with the review and approval of the report.
 - i. *Dispensaries* shall maintain 24-hour recorded video surveillance of the *Premises*. Recordings shall be retained for 30-days for inspection by City staff. City staff must provide valid cause for viewing video surveillance. City staff must ensure that patient privacy is safeguarded. Video surveillance will not be shared with law enforcement except when formally requested as part of a law enforcement investigation directly involving the *Dispensary*.
 - j. Sales of alcoholic beverages are prohibited.
 - k. Sales of tobacco and tobacco products are prohibited.
 - l. Sales of drug paraphernalia are prohibited.
 - m. The location of the *Dispensary* shall include the installation of a centrally monitored alarm system
 - n. Lighting shall be installed to adequately light the exterior and interior of the *Dispensary Premises* while in conformance with 17.24.080£.2.
8. **Source of Medical Marijuana.** A *Dispensary* shall only dispense marijuana from the following sources and this information shall be included in the *Operations Manual*:
- a. On-site Cultivation for Authorized *dispensary*. If the Conditional Use Permit authorizes

limited, on-site *Medical marijuana* cultivation at the *dispensary*, on-site cultivation shall be considered an accessory use and shall not exceed twenty-five (25) percent of the *dispensaries'* total floor area and in no case exceed 1,500 square feet. In addition to these area limitations, the accessory use shall conform to the specific zone regulations, Section 17.24.060 Accessory Buildings and Uses, Section 17.32.100 of this Title, and applicable Building and Fire Codes. The *Operations Manual* shall include information regarding the on-site cultivation including, but not limited to:

- i. Description of measures taken to minimize or offset energy use from the cultivation or processing of *medical marijuana* on-site; and
 - ii. Description of chemicals stored or used; and
 - iii. Description of any effluent discharged into the City's wastewater and/or stormwater system;
- a. **Licensed External Source.** Until one year following the date when the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, *Dispensaries* shall source their *medical marijuana* from cultivators and manufacturers that have obtained a local business license or equivalent document showing that the organization is operating in zoning and regulatory compliance from another jurisdiction for the *Medical marijuana* cultivation or manufacturing. One year from the date that the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, all sources of *medical marijuana* or *medical marijuana* products sold in a *dispensary* must also have a state license for their *medical marijuana* activities.

17.32.100. Medical Marijuana Cultivating Regulations.

The cultivation of *medical marijuana* for personal use by a *qualified patient* shall be permitted in connection with a residence owned or leased by a *qualified patient* and meeting the minimum standards noted below.

A. Medical Marijuana Cultivation for Personal Use

1. An individual *qualified patient* shall be allowed to cultivate *Medical marijuana* within his/her private residence. If the private residence is leased or rented, a notarized authorization from the property owner must be filed with the City. A *primary caregiver* shall only cultivate *Medical marijuana* at the residence of a *qualified patient* for whom he/she is the *primary caregiver*.
- B. **Zones.** Cultivating *medical marijuana* is allowed in conforming Residential Low (RL) and Residential Medium/Low (RLIM) zones where there is an existing single family development subject to the following standards and authorized by a Zoning Clearance.

C. Standards

1. Cultivation shall only occur within an enclosed structure that can be secured and locked including the residence, new or remodeled addition to a residence, residential accessory building or a legally converted garage.
2. Garage conversions shall require a replacement in kind prior to authorizing a cultivation area.
3. The grow area shall be within a self-contained structure, with a 1-hour firewall assembly made of green board, and shall be ventilated with odor control, and shall not create a humidity or mold problem
4. The *Qualified patient* shall reside in the residence where the *Medical marijuana* cultivation

Attachment B

occurs;

5. The interior area dedicated to the cultivation of marijuana in an existing residence or within a proposed addition to the residence shall not exceed 50 square feet.
6. An accessory structure containing a *Medical marijuana* cultivation area shall not exceed 50 square feet and shall be consistent with the accessory structure requirements of the residential zone and Section 17.24.060.
7. *Medical marijuana* cultivation lighting shall not exceed 1200 watts;
8. Evidence of *medical marijuana* cultivation either within or outside the residence shall not be visible from outside the *Premises*.
9. The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and shall not be displaced by *Medical marijuana* cultivation.
10. The *medical marijuana* cultivation area shall be in compliance with the current, adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or its equivalent(s)).
11. The *medical marijuana* personal cultivation and processing shall comply with stormwater, wastewater, and applicable greenhouse gas reduction requirements;
12. Personal *medical marijuana* cultivation and processing shall not be visible from the exterior of the *Premises*;
13. A *Qualified patient* or *Primary caregiver* shall participate in *Medical marijuana* cultivation in only one residential location within the City of Lemon Grove.

D. Prohibitions

1. The cultivation of *medical marijuana* shall not be authorized by or considered a Home Occupation and no Home Occupation permit shall be issued.
2. The use of gas products (CO₂, butane, etc.) for *medical marijuana* cultivation or processing for personal use.
3. Sale or dispensing of *medical marijuana* from a residential zoned property.
4. Signage identifying any uses related to *medical marijuana* in a residential zone.

E. Deviations

1. Any proposed *medical marijuana* cultivation for personal use by an individual *qualified patient* or *primary caregiver* that does not meet the grow area standard of Section 17.32.090.8 shall require review and approval by the director of Development Services or designee. The proposed deviation from the cultivation area limitations shall be processed as a Zoning Clearance. The director of Development Services or designee shall review the submitted information and make an interpretation of need. A complete application shall include the following documentation:
 - a. *Licensed Physician's* recommendation or verification of more than one *qualified patient* living in the residence shall be submitted with the request showing why the cultivation area standard is not feasible.
 - b. Written permission from the property owner.
 - c. Show conformance to the residential zone and accessory building regulation.
 - d. The Building Official and Fire Chief may require additional specific standards to meet

the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers.

- e. *Medical marijuana* cultivation area shall be enclosed in a structure with a 1-hour firewall assembly of green board.
- f. The *medical marijuana* cultivation area shall not exceed 100 square feet.

17.32.110. Transportation of Medical Marijuana.

All activities involving the transportation of marijuana for personal patient use, to the extent permitted by The Compassionate Use Act of 1996, shall be conducted by *Qualified patients* and/or the authorized *Primary caregiver* of the *Qualified patient*, where the quantity transported and the method, timing and distance of the transportation are reasonably related to the medical needs of the *Qualified patient*. All personal transportation shall be conducted in accordance with state law.

All activities involving the transportation of marijuana for a *Dispensary* shall comply with California State Regulations, restrictions and guidelines, as enumerated in Division 8, Chapter 3.5 of the California Business and Professions Code, and established by the Bureau of Medical Marijuana Regulations.

17.32.120. Procedures

A. Administrative Citation and Revocation.

- 1. Any violation of this ordinance occurs the City has the authority to immediately cite a *Dispensary* for the violation. The *Dispensary* is given one warning and if not corrected within seven calendar days, the City may issue an administrative citation of \$500 per violation. The citations may escalate according to the schedules identified in Section 1.12.012 until and unless the violations have been corrected.
- 2. A use permit may be revoked according to Section 17.28.020, subdivision (n) (Revocation of Permits and Approval). Revocation proceedings may occur for non-compliance with the governing Condition Use Permit or Zoning Clearance and any of the standards in this Chapter.

B. Transfer of Use Permit. The rights of an approved Use Permit to operate a *Dispensary* may be transferred to another *Dispensary* as a Use Permit modification according to Section 17.28.020, subdivision (m).

C. Appeals. Any applicant or other interested person may appeal a decision by the Development Services Director according to Section 17.28.0201.

D. Fees. Applications filed under this Ordinance shall be reviewed and processed on a full cost recovery basis pursuant to the current Master Fee Schedule. The City Council may amend the Master Fee Schedule from time to time to ensure for full cost recovery of administration of any Permit issued under this Ordinance.

E. Amendments. Amendments to this Chapter shall conform to the process identified in Section 17.28.080

Attachment 2

5.04.220. Business permit tax.

Every person transacting, engaging in, conducting or carrying on any business within the city, and said business has a fixed location in and is upon the tax rolls of the city, shall pay a business permit tax as follows:

- A. Base Fee. Except as otherwise provided in this article and specifically enumerated, the tax shall be an amount per year equal to a base fee of fifteen dollars plus two dollars per person, to and including a maximum of fifty persons, for the average number of persons employed in the scope of the employer's business in the city during the year for which said permit is issued.
- B. Out-of-Town Business-With Vehicles. Every person not having a fixed place of business within the city of Lemon Grove who delivers goods, wares, or merchandise of any kind by vehicle or who provides any service for the use of vehicles in the city shall pay a permit fee of forty dollars per vehicle, except wholesale delivery vehicles for which the permit fee shall be fifteen dollars per vehicle per year.
- C. Out-of-Town Business-Other. Except as provided in subdivision 1 of this subsection, every person not having a fixed place of business within the city who engages in business within the city and is not subject to the provisions of subsections A and B of this section shall pay a permit fee of forty dollars plus two dollars per employee per year.
 1. Any contractor permitted pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the California Business and Professions Code shall pay a permit fee of fifteen dollars plus two dollars per employee per year, to and including a maximum of fifty employees. (Ord. 96 § 1, 1983; Ord. 25 § 15, 1978)
- D. Notwithstanding any other provision to the contrary, a *Medical Marijuana Dispensary*, as defined in Lemon Grove Municipal Code Section 17.32.050, regardless of its corporate or association structure, shall be subject to the following license permit fees and charges:
 1. A per member charge for an annual business license shall be \$15.00 per year based on the number of members of the *Dispensary*, as determined on a quarterly basis established by the tax collector (Director of the Department of Finance).
 2. Payments under subsection D(I) , above, shall be made on a quarterly basis to the Finance Department of the City of Lemon Grove. The City shall have the right to audit the records of any *Dispensary* in the same manner and under the same procedures found in Lemon Grove Municipal Code Chapter 3.20 (Transient Occupancy Tax).

BALLOT TITLE

An Initiative to Rescind the Prohibition of Marijuana Dispensaries and Add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code

BALLOT SUMMARY

This Initiative adds Chapter 17.32 to the Lemon Grove Municipal Code. It allows Medical Marijuana Dispensaries to operate, with a Conditional Use Permit, in the Heavy Commercial, Limited Commercial, General Commercial and Light Commercial Zones. Dispensaries would be prohibited in all residential and Mixed-Use (Downtown Village Specific Plan and Central Commercial) Zones.

The Initiative allows Dispensaries to grow, process and dispense marijuana to a “qualified patient” or “primary caregiver” on the premises. Under state law, a “qualified patient” must have a prescription from a licensed physician.

Dispensaries shall be located at least 1,000 feet from public parks, playgrounds, licensed daycare facilities, schools, and alcohol and substance abuse treatment centers. The most direct route between the dispensary and the protected uses is used to measure distance limitations.

The Initiative includes background checks for Directors and employees. At least one state licensed, uniformed security guard shall be on duty during operating hours (maximum 8:00 A.M. to 8:00 P.M. daily). City and Sheriff’s Department inspections of a Dispensary Premises are allowed based on reasonable notice. Unannounced inspections are allowed if there is “probable cause” of a violation of law. Dispensary transaction, employee and patient records are maintained for a two-year period. Dispensaries shall maintain 24-hour recorded video surveillance of the Dispensary premises. A centrally monitored alarm system is required. The interior and exterior shall be adequately lighted.

The Dispensary shall have an Operations Manual with information regarding the manner of operation and the facilities in use. Operating standards prevent dispensing medical marijuana to a qualified patient more than once a day. Medical marijuana shall not be consumed on premises unless authorized in the Conditional Use Permit. No Physician shall be allowed on premises to issue prescriptions to patients. Dispensaries shall not permit the on-site display of unprocessed marijuana plants or representations of marijuana plants in any area visible to the public. Sale of alcoholic beverages, tobacco and tobacco products, and drug paraphernalia are prohibited.

The Initiative also allows qualified patients to grow marijuana at their private single-family residence in the Residential Low and Residential Medium/Low zones. If the property is leased or rented, a notarized authorization from the landlord is required. All cultivation under the Initiative must be in an enclosed structure. The structure shall have a one-hour firewall. The growing area shall not exceed fifty square feet. Cultivation lighting shall not exceed 1200 watts. The marijuana plants shall not be visible from outside of the premises. The residence shall maintain a kitchen, bathroom(s) and primary bedrooms. Cultivation of medical marijuana shall not be an authorized Home Occupation.

Attachment C

The Initiative authorizes the issuance of civil monetary fines for violations of the City requirements. A Business permit tax is set at fifteen dollars plus two dollars a person up to fifty persons. Mobile dispensaries, with no fixed business location in Lemon Grove, shall pay fifteen dollars plus two dollars per person, maximum of fifty.

Dated: April 19, 2016

James P. Lough, City Attorney

Susan Garcia, City Clerk



County of San Diego

MICHAEL VU
Registrar of Voters

REGISTRAR OF VOTERS
County Operations Center Campus

CYNTHIA L. PAES
Assistant Registrar of Voters

5600 Overland Avenue, Suite 100, San Diego, California 92123-1266

Telephone: (858) 565-5800 Toll-free: 1 (800) 696-0136 TDD: (858) 694-3441
Facsimile: (858) 694-2955 Web Address: www.sdvote.com

August 5, 2016

Susan Garcia, City Clerk
City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945

REVISED

Re: Medical Marijuana Dispensaries.

The "AN INITIATIVE TO RESCIND THE PROHIBITION OF MARIJUANA DISPENSARIES AND ADD THE MEDICAL MARIJUANA REGULATORY ORDINANCE TO THE LEMON GROVE MUNICIPAL CODE" petition was filed with the Registrar of Voters on May 31, 2016. As directed by your office, the Registrar of Voters conducted a verification of all 1,495 signatures. **Of this number, a total of 1,172 signatures have been verified to be valid.** Results of the verification process are as follows:

- Number of sections submitted.....172
- Number of signatures submitted..... 1,495
- Number of signatures verified..... 1,495
- Number of signatures found to be valid..... 1,172
- Number of signatures found NOT to be valid (Includes 31 duplicates)323
- Number of signatures required for qualification 1,172

If you have questions, please contact me at (858) 505-7205 or Norma Westbrook at (858) 505-7302.

L. MICHAEL VU
Registrar of Voters

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED
ELECTORS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE
HELD ON NOVEMBER 8, 2016, AN ORDINANCE TO RESCIND THE
PROHIBITION OF MARIJUANA DISPENSARIES AND ADD THE MEDICAL
MARIJUANA REGULATORY ORDINANCE TO THE LEMON GROVE
MUNICIPAL CODE**

WHEREAS, a General Municipal Election for Tuesday, November 8, 2016, has been called by Resolution No. 2016- 3422, adopted on June 7, 2016; and

WHEREAS, pursuant to authority provided by statute, an initiative petition titled the “An Ordinance by the People of the City of Lemon Grove, California to Add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code by Adding Chapter 17.32 (Land Use); Amending Section 5.04.220 to Add Business License Taxes for Medical Marijuana Dispensaries and Procedures For City Council Amendments” has been filed with the legislative body of the City of Lemon Grove, California (“City”) and has been signed by ten percent of the number of registered voters in the City; and

WHEREAS, the Registrar of Voters of the County of San Diego has examined the records of registration and ascertained that the petition has been signed by the requisite number of voters; and

WHEREAS, the City Clerk, as elections official, has certified the petition as sufficient, and presented the results thereof to the City Council on July 19, 2016, in accordance with Elections Code section 9114; and

WHEREAS, the City Council has not elected to adopt the ordinance; and

WHEREAS, the City Council desires to submit the proposed ordinance, without alteration, to the voters at the City’s next regular municipal election on November 8, 2016, occurring not less than eighty-eight (88) days after the date of the order of election, in compliance with Elections Code section 9215,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California, there has been called and ordered to be held in the City of Lemon Grove, California, on Tuesday, November 8, 2016, a General Municipal Election for the purpose of electing the Mayor and two Members of the City Council for the full term of four years.

SECTION 2. That the City Council orders to following to be submitted to the voters at said General Municipal Election, the following question:

Shall an Ordinance to Rescind the prohibition of Marijuana Dispensaries and Add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code adopted?	YES
	NO

SECTION 3. The City does not request the Registrar to print the entire text of the ordinance in the voter information materials. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed and directed to procure and furnish any and all election materials that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. That the City requests for this measure to be treated by the County of San Diego pursuant to Resolution No. 2016- 3424, approved on June 7, 2016, wherein the City: requested that the County agree to consolidate the General Municipal Election with the Statewide General election; requested that the Registrar of Voters of the County of San Diego canvass the returns and hold the election as if it were only one election with one form of ballot; requested that the Board of Supervisors issue instructions to the Registrar of Voters to take any and all steps for the holding of the consolidated election; and agreed to reimburse the County for any additional costs to consolidate the election.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego.

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RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING AN ORDINANCE TO RESCIND THE PROHIBITION OF MARIJUANA DISPENSARIES AND ADD THE MEDICAL MARIJUANA REGULATORY ORDINANCE TO THE LEMON GROVE MUNICIPAL CODE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election is to be held in the City of Lemon Grove, California, on November 8, 2016, at which the following question will be submitted to the voters:

Shall an Ordinance to Rescind the prohibition of Marijuana Dispensaries and Add the Medical Marijuana Regulatory Ordinance to the Lemon Grove Municipal Code	YES
	NO

; and

WHEREAS, Elections Code section 9280 authorizes the City Council to order the City Attorney to prepare an impartial analysis of the City measure qualifying for a place on the ballot; and

WHEREAS, Elections Code section 9282 authorizes the filing of written arguments for and against measures placed on the ballot by petition, with priority given to arguments by the City Council, acting either as a whole or through individual City Council members authorized to file written arguments on the Council's behalf, pursuant to Elections Code section 9287,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to Elections Code Sections 9282 and 9283, if the City Council chooses to submit this measure to the voters, the proponents may file a written argument in favor of the measure, and the legislative body may submit an argument against it. Arguments may not exceed 300 words in length. Arguments must be accompanied by the printed name(s) and signature(s) of the author(s), or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument. No more than five signatures may appear with any argument submitted. Arguments in favor or against this measure will be due to the City Clerk by August 24, 2016.

SECTION 2. That the City Clerk is directed to transmit a copy of the proposed ordinance to the City Attorney. The City Attorney is directed to prepare an impartial analysis of the proposed ordinance, pursuant to Elections Code section 9280. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

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RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, THE NOVEMBER 8, 2016, ELECTION FILING OF REBUTTAL
ARGUMENTS FOR CITY MEASURES CITY MEASURES**

WHEREAS, Section 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at municipal elections;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of any argument against, and copies of the argument against to the authors of any argument in favor. The author or a majority of the authors of an argument may prepare and submit rebuttal arguments not exceeding 250 words or may authorize, in writing, any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five individuals.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signatures(s) of the author(s) submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers. The rebuttal arguments will be due to the City Clerk by September 1, 2016.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on November 8, 2016, and shall then be repealed.

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