

ORDINANCE NUMBER O- 20098 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 14 2011

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING A REFERENDARY PETITION AGAINST ORDINANCE NO. O-20042 AND REPEALING ORDINANCE NO. O-20042.

WHEREAS, on March 28, 2011, an ordinance amending the City of San Diego's Land Development Code to allow Medical Marijuana Consumer Cooperatives, on file in the Office of the City Clerk as Ordinance No. O-20042, was introduced to the Council of the City of San Diego (Council); and

WHEREAS, on April 12, 2011, the Council adopted Ordinance No. O-20042; and

WHEREAS, on April 27, 2011, the Mayor returned Ordinance No. O-20042 to the City Clerk unsigned, resulting in approval of the Ordinance pursuant to San Diego City Charter section 280; and

WHEREAS, pursuant to Charter section 295, the Ordinance's date of final passage was April 27, 2011; and

WHEREAS, on May 27, 2011, an authorized representative of proponent, Abigail Houston submitted a referendary petition against the Ordinance to the City Clerk, and on that same day, the City Clerk accepted the referendary petition as filed, thereby suspending the Ordinance; and

WHEREAS, the City Clerk submitted the referendary petition to the San Diego County Registrar of Voters (Registrar of Voters) for signature verification; and

WHEREAS, the Registrar of Voters found that the referendary petition contained the valid signatures of over five percent of the City's registered voters at the last general election, as required by Charter section 23; and

WHEREAS, on July 13, 2011, the City Clerk certified that the referendary petition was sufficient and qualified for submittal to the voters; and

WHEREAS, on July 25, 2011, the City Clerk presented the referendary petition, with its certification attached, to the City Council; and

WHEREAS, San Diego Municipal Code sections 27.1131 and 27.1132 require the City Council to reconsider the Ordinance and either grant the referendary petition to repeal the Ordinance, or adopt a resolution of intention to submit the matter to the voters at a special election and direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, on July 25, 2011, the Council reconsidered the Ordinance in light of the referendary petition; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the referendary petition is granted.

Section 2. That Ordinance No. O-20042 is repealed.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
7/15/2011
7/20/2011 COR.
Or.Dept:City Clerk
Doc. No. 214513_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of **SEP 27 2011**.

ELIZABETH S. MALAND
City Clerk

By Mary Zumaya
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Please note: The Mayor did not sign this ordinance within the specified time limit. See San Diego City Charter Section 280 (c) (4).