

November 3, 2004

City Council Meeting
November 9, 2004

Mayor and Members
of the City Council

**CERTIFICATION OF RESULTS OF SIGNATURE
VERIFICATION OF AN INITIATIVE PETITION PROPOSING
TO PROHIBIT CONSTRUCTION OF NEW PUBLIC
IMPROVEMENTS ON THE BEACH AND ON THE GREENBELT**

Attached is a Certificate of Sufficiency for the Initiative Ordinance submitted by petition entitled "An ordinance prohibiting construction of new public improvements on the beach and on the Greenbelt." This sufficiency represents at least 10 percent of the number of Hermosa Beach registered voters reported by the County Clerk to the Secretary of State effective at the time the proponents' notice of intention was published in the Easy Reader. With the number of valid signatures exceeding the number required, the petition does qualify to be placed on the ballot for the November 8, 2005 General Municipal Election.

COUNCIL ALTERNATIVES:

Pursuant to Elections Code Section 9215, the Council has the following options:

- (a) Introduce the ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 10 days after it is presented; or
- (b) Direct the City Clerk to prepare the documents required to submit the ordinance, without alteration, to the voters at the next regular municipal election occurring not less than 88 days after the date of the order; or
- (c) Order a report pursuant to Section 9212 at the regular meeting at which the ordinance is presented. When the report is presented to the City Council, the Council 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 March 24, 2004. The ballot title and summary prepared by the City Attorney were provided to the proponent on April 8. The notice was published in the Easy Reader on May 8, and the petition was then circulated. The signed petitions were submitted to the City Clerk's office on September 29, well within the 180-day time limit, and were forwarded to the office of the Registrar-Recorder/County Clerk for signature verification, which was completed well within the time limit of 30 working days. As required, the matter is now being presented to Council.

REVIEW OF ALTERNATIVES:

Option (a) – Introduce the Ordinance

If the City Council opts for Option (a)—to introduce the ordinance without alteration at tonight’s meeting—there would be no election on the measure. Because State law requires the subsequent adoption of the ordinance to take place within 10 days, it would be necessary to adjourn tonight’s meeting to a date no later than Friday, November 19, 2004, in order to adopt the ordinance within the State-mandated time limit.

Option (b) – Direct the Measure be Placed on the November 8, 2005 Ballot

If the City Council opts for Option (b)—to direct that the City Clerk prepare the required documents to submit the ordinance without alteration to a vote of the people—all appropriate resolutions would be prepared for adoption by the Council at or before the July 27, 2005 Council meeting, which is the last regular City Council meeting before the County deadline for placing items on the November ballot.

Option (c) – Order a Report Pursuant to Election Code Section 9212

If the City Council opts for Option (c)—to order a report tonight—action on the petition would be deferred until the report is presented, at a date certain as directed by the Council, which must be within the next 30 days (by Thursday, December 9).

Pursuant to Elections Code Section 9212, before taking action to either introduce the ordinance or schedule a special election, the Council may refer the proposed initiative measure to any City agency or agencies for a report on any or all of the following:

- 1) its fiscal impact;
- 2) its effect on the internal consistency of the City’s general and specific plans including the housing element, the consistency between planning and zoning, the limitations on City actions under Government Code Section 65008 (Discriminations; prohibition), Chapters 4.2 (Housing Development Approvals) commencing with Section 65913, and Chapter 4.3 (Density Bonuses and Other Incentives) commencing with Section 65915 of Division 1 (Planning and Zoning) of Title 7 (Planning and Land Use); and/or
- 3) any other matters the Council requests to be in the report.

This report shall be presented to the Council within the time prescribed by the Council, but not later than 30 days after the Clerk certifies to Council the sufficiency of the petition.

In order to meet that 30-day deadline, unless a special meeting is scheduled, the only regular Council meeting at which any report must be presented would be November 23. Once the report is presented, the Council must then either introduce the ordinance (and adopt it within 10 days) or direct the preparation of documents to submit the proposed ordinance at the next regular municipal election of Tuesday, November 8, 2005.

Please note that the Council may direct the preparation of staff reports on the matter at any time in the future as well. The above-noted report option, with its 30-day deadline, merely provides

the opportunity for the Council to request information for review and consideration before making the decision on whether to adopt the proposed ordinance or present it to the voters.

Elaine Doerfling, City Clerk

Noted:

Stephen R. Burrell, City Manager

Attachments: City Clerk's Certificate of Sufficiency of the petition
Letter from County giving results of signature verification
Proposed ordinance identified as Exhibit "A"