

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE X

On November 8, 2016, the voters of California passed Proposition 64, which legalized the cultivation, manufacture, distribution, testing, and sale of cannabis and cannabis products within the State of California. Also on November 8, 2016, the voters of the City of San Bernardino ("City") adopted Measure O, a local regulatory ordinance for commercial cannabis businesses. Several lawsuits were filed challenging Measure O. On February 28, 2018, the Superior Court entered judgement declaring Measure O invalid. The judgement is currently being appealed.

After Measure O was declared invalid, on March 7, 2018, the City Council adopted Ordinance No. MC-1464, which established a new local regulatory ordinance for commercial cannabis businesses in the City. This measure would amend and reenact Ordinance No. MC-1464. This measure also repeals all previous local regulatory ordinances in the City, including, to the extent such ordinances are in effect when this measure is approved by the voters, Measure O and Measure N, both of which appeared on the ballot on November 8, 2016.

This measure would authorize the City Council to approve one commercial cannabis business permit per 12,500 residents of the City. With the current population of the City, the City Council would be authorized to approve up to 17 permits. The measure would also authorize the City Council to adopt an ordinance increasing the total number of permits allowed within the City.

The measure would permit commercial cannabis businesses to be established in the commercial and industrial zones of the City. The commercial cannabis businesses would be prohibited within 600 feet of residential zones, properties used as a residences, schools, commercial daycare centers, youth centers, and parks. The measure would also authorize the City Council to adopt an ordinance lowering the above distances.

The measure establishes regulations on the operation of commercial cannabis businesses including: recordkeeping, security measures, restrictions on alcohol and tobacco sales, signage, odor control, and background checks. Violation of the regulations could result in suspension or revocation of the commercial cannabis business permit, fines, or jail time.

State law authorizes the City Council to submit an ordinance to the voters as a ballot measure. On August 1, 2018, the City Council unanimously approved submission of this measure to the voters. If a majority of the voters in the City who vote on this measure vote "Yes," the measure will pass and the local regulatory ordinance for commercial cannabis businesses will be amended and reenacted effective ten days after the results of the vote are declared by the City Council.

The City Council of the City of San Bernardino placed this measure on the ballot.

A "yes" vote is a vote to amend and reenact the local regulatory ordinance for commercial cannabis businesses. A "no" vote is a vote not to amend and reenact the local regulatory ordinance for commercial cannabis businesses.

FULL TEXT OF MEASURE AVAILABLE

The above statement is an impartial analysis of Measure X. If you desire a complete copy of the measure, please call the elections official's office at (909) 384-5002 and a copy will be mailed at no cost to you. A copy is also available at:

<http://www.ci.san-bernardino.ca.us/civicax/filebank/blobdload.aspx?BlobID=26249>

CERTIFICATION

This impartial analysis is hereby submitted to the elections official in accordance with Section 9280 of the Elections Code of the State of California.

Dated: August 16, 2018

GARY D. SAENZ, City Attorney

By: 

Analysis Word Count: 469