



CITY OF MANHATTAN BEACH

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STAFF REPORT

Agenda Date: 10/6/2022

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Alexandria Latragna, Policy and Management Analyst

SUBJECT:

Discussion of Resolution No. 22-0135 in Support of Measure V on the November 8, 2022 Election Ballot Readopting the City's Commercial Cannabis Prohibition, and Against Cannabis Industry Measure MB on the November 8 Election Ballot (City Manager Moe).

(Estimated Time: 10 Min.)

DISCUSS AND CONSIDER TAKING ACTION

RECOMMENDATION:

Staff recommends that the City Council discuss the adopted Resolution No. 22-0135 supporting Measure V and opposing Measure MB. Measure V seeks to maintain the current prohibition on commercial cannabis; Measure MB seeks to repeal the City's prohibition and compel the City to issue three permits to cannabis retailers. Additionally, this report identifies examples of permissible election-related activities that might be undertaken by the City Council, individual Councilmembers, or City employees.

BACKGROUND/DISCUSSION:

On September 20, 2022, the City Council adopted Resolution No. 22-0135:

- Supporting Measure V on the November 8, 2022 Election ballot. If adopted by the voters, Measure V would maintain the City's current prohibition on commercial cannabis in Manhattan Beach.
- Opposing Measure MB on the November 8, 2022 Election ballot. If adopted by the voters, Measure MB would require the City to issue three permits to cannabis retailers in Manhattan Beach.

At the September 20, 2022 City Council meeting, members of the public stated that there was some confusion regarding the ballot measures on the November 8, 2022 Election ballot. In response, the Council requested staff to return with additional information regarding the

measures.

Two Cannabis Measures for Manhattan Beach:

In 2017, the City Council adopted ordinances prohibiting the sale of cannabis in Manhattan Beach. If voters approve Measure MB on the November 8, 2022 General Municipal Election, the City's current prohibition on commercial cannabis would be repealed and the City would be required to issue permits to three cannabis retailers in Manhattan Beach.

After Measure MB qualified for the ballot, the City Council placed an alternative measure (Measure V) on the ballot for the November 8, 2022 General Municipal Election. If adopted, Measure V would maintain the City's current prohibition on commercial cannabis in Manhattan Beach.

To pass, each measure requires at least 50% plus one of the votes cast by Manhattan Beach residents. If both measures receive more than 50% plus one of the votes cast, the measure with the most votes will prevail.

Thus, voters in Manhattan Beach will consider two ballot measures on November 8, 2022:

1. Measure V: Maintaining the City's current prohibition on commercial cannabis.
2. Measure MB: Repealing the City's current prohibition on commercial cannabis and compelling the City to issue three permits to cannabis retailers.

Government Code Sections 54964 & 8314:

Government Code Section 54964 prohibits officers, employees, or consultants of local agencies from spending or authorizing the expenditure of funds to support or oppose a ballot measure or candidate. This statute does not prohibit presenting accurate, fair, and impartial facts about a ballot measure. Government Code Section 8314 makes it illegal for local officials and employees to use public resources for campaign or personal purposes. In addition, the City has adopted similar provisions within the Municipal Code.

Examples of permissible election-related activities by the City Council, individual Councilmembers, or City employees include the following:

- Attending community meetings and other events while off duty and express opinions.
- Posting Resolution No. 22-0135 on the City's website.
- Attending campaign meetings, volunteer in support of or opposition to a measure, make telephone calls, walk precincts, etc., **only on personal non-City time** and not in uniform.
- Making a campaign contribution using personal funds to a committee or committees that support or oppose a ballot measure.
- Responding to questions and requests for information from the public on City time regarding a measure, the City Council's position on a measure, and other election-related issues in a balanced, impartial way.
- Lending their endorsements, names and elected or appointed titles for identification purposes to privately funded advertisements and campaign literature.

ATTACHMENT:

1. Resolution No. 22-0135