



OFFICE OF THE CITY CLERK
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SPOKANE, WASHINGTON 99201-3342
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May 7, 2012

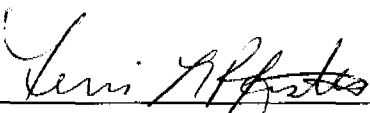
City Clerk File No.:
LGL 2012-0044

COUNCIL ACTION MEMORANDUM:

RE: HEARING ON PROPOSED BALLOT TITLE AND SUMMARY OF MEASURE
FOR INITIATIVE NO. 2012-02

During its 6:00 p.m. Legislative Session held Monday, April 30, 2012, the Spokane City Council held a hearing on the Proposed Ballot Title and Summary of Measure for Initiative No. 2012-02, sponsored by Sensible Washington, regarding marijuana, adopting a new Chapter 10.5C to Title 10 of the SMC. Subsequent to an opportunity for public testimony, with one individual requesting to speak, the following action was taken:

Motion by Council Member McLaughlin, seconded by Council Member Snyder, to approve the ballot title and summary of measure and request the sponsor to gather signatures; **carried unanimously.**



Terri L. Pfister, MMC
Spokane City Clerk

05/08/12
 2/2/12



Agenda Sheet for City Council Meeting of:

04/23/2012

Date Rec'd	4/11/2012
Clerk's File #	LGL 2012-0044
Renews #	
Cross Ref #	INITIATIVE 2012-02
Project #	
Bid #	
Requisition #	

Submitting Dept	CITY CLERK
Contact Name/Phone	TERRI PFISTER 6354
Contact E-Mail	TPFISTER@SPOKANECITY.ORG
Agenda Item Type	Report Item
Agenda Item Name	SETTING HEARING ON INITIATIVE 2012-02 REGARDING MARIJUANA

Agenda Wording
 Set Hearing before City Council for Monday, April 30, 2012, on Proposed Ballot Title and Summary of Measure for Initiative No. 2012-02, sponsored by Sensible Washington, regarding marijuana, adopting a new Chapter 10.5C to Title 10 of the SMC.

Summary (Background)
 On March 28, 2012, Jessica McPhail, on behalf of Sensible Washington, filed a proposed initiative with the Office of the City Clerk. Pursuant to SMC 2.02.230, the City Attorney's Office reviewed the measure and, in consultation with the petitioner, prepared a ballot title and summary of the measure. Per SMC 02.02.040, at the hearing the City Council may decide to: (see attached)

Fiscal Impact	Budget Account
Select \$	#
Select \$	#
Select \$	#
Select \$	#

Approvals		Council Notifications	
Dept Head	PFISTER, TERRI	Study Session	
Division Director		Other	
Finance	LESESNE, MICHELE	Distribution List	
Legal	PICCOLO, MIKE		mpiccolo@spokanecity.org
For the Mayor	FEIST, MARLENE		info@sensiblewashington.org

Additional Approvals	
Purchasing	

Continuation of Wording, Summary, and Distribution

Agenda Item Name: SETTING HEARING ON INITIATIVE 2012-02 REGARDING MARIJUANA

Agenda Wording (327 character max)

Summary (Background) (670 character max)

A. pass the measure as proposed or submit the initiative measure to the voters on its own motion;

B. provide for legal review of the procedural and substantive validity of the proposed measure by the City Attorney, if requested by the sponsor; or

C. approve a ballot title and summary of the measure.

Fiscal Impact

Budget Account

Select	\$		#	
Select	\$		#	
Select	\$		#	
Select	\$		#	

Distribution List

Save

Cancel

WARNING

Under Washington State law every person who signs an initiative or referendum petition with any other than his or her true name, knowingly signs more than once, or signs when he or she is not a legal voter; or signs a petition when he or she is otherwise not qualified to sign, or who makes any false statement on such petition may be guilty of a misdemeanor.

Initiative Petition to the Spokane City Council

INITIATIVE NO. 2012 – 02

We, the undersigned citizens and legal voters of the City of Spokane, Washington, respectfully direct that this proposed ordinance, known as Initiative No. 2012 – 02, a full, true, and correct copy of which is printed herein, be passed without alterations by the Spokane City Council, or be submitted to the electors of the City of Spokane for their approval or rejections at the next available special or general municipal election. If submitted to election, the proposed ordinance shall appear as the following proposition.

PROPOSITION NO. ____

CITY OF SPOKANE

An Ordinance Regarding Marijuana

This initiative requires that the Spokane Police Department and the City Attorney’s Office make the investigation, arrest and prosecution of non-violent marijuana offenses, where the marijuana was intended for adult personal use, the lowest law enforcement priority; that the City not cooperate with the Federal Government in the enforcement of its laws concerning marijuana; and that no funds shall be expended in any manner for cooperation in enforcement of federal marijuana laws by local authorities.

Should this measure be enacted into law?

- Yes
- No

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once.

(The full text of the proposed ordinance is printed on reverse side of this page and continuing on the pages following)

PETITIONERS SIGNATURE (as on voters registration)	PRINTED NAME	RESIDENCE ADDRESS (Street Address)	DAYTIME PHONE (optional)	CHECK IF REGISTERED ADDRESS IS DIFFERENT

Cydne Moore, Sensible Washington, 119 1st Avenue S., Suite 260, Seattle, WA 98104 – info@sensiblewashington.org - (206) 707-5502

Summary of Measure

THE LAW AS IT CURRENTLY EXISTS:

The City of Spokane charges adult marijuana offenses pursuant to the State Uniform Controlled Substances Act, Chapter 69.50 RCW, the Medical Use of Marijuana Act, Chapter 69.51A RCW, and the City's ordinance prohibiting possession of a controlled substance, Chapter 10.15 SMC. The City coordinates with other law enforcement agencies, including federal agencies, in the enforcement of applicable laws pertaining to marijuana.

THE EFFECT OF THE PROPOSAL, IF APPROVED:

This ordinance provides that the Spokane Police Department and the City Attorney's Office shall make the investigation, arrest and prosecution of non-violent marijuana offenses, where the marijuana was intended for adult personal use, the lowest law enforcement priority. Consistent with this policy, the City of Spokane and its Police Department and City Attorney would not cooperate with the Federal Government in the enforcement of its laws concerning marijuana; and no funds would be expended in any manner for cooperation in enforcement of federal marijuana laws by local authorities.

ORDINANCE NO. C - _____

MARIJUANA

An ordinance regarding marijuana, adopting a new chapter 10.15C to Title 10 of the Spokane Municipal Code.

WHEREAS, our city's taxpayers are needlessly burdened by the substantial cost of investigating, arresting, prosecuting, and jailing people for charges involving marijuana; and

WHEREAS, the Federal Government has violated the will of Washington State voters by obstructing patient access to medical marijuana; and

WHEREAS, our city understands the need to refocus limited police resources to violent and more serious crimes – to benefit public safety – rather than the prosecution of non-violent individuals for charges involving marijuana, -
Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 10.15C Marijuana to Title 10 of the Spokane Municipal Code to read as follows:

Chapter 10.15C

MARIJUANA

10.15C.010 Subject

This chapter deals with the implementation of policy relating to law enforcement. This chapter is to be known as The Marijuana Reform Act of 2012.

10.15C.020 Marijuana

The Spokane Police Department and the City Attorney's Office shall make the investigation, arrest and prosecution of non-violent marijuana offenses, where the marijuana was intended for adult personal use, the lowest law enforcement priority. Consistent with this policy, the City of Spokane and its Police Department and City Attorney shall not cooperate with the Federal Government in the enforcement of its laws concerning marijuana; and no funds shall be expended in any manner for cooperation in enforcement of federal marijuana laws by local authorities.

10.15C.030 Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such terms and provisions to other persons or circumstances shall not be affected.

10.15C.040 Interpretation

This chapter is to be liberally construed to effectuate the defined intent of the voters.