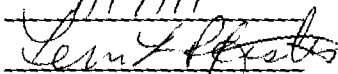
 <b>Agenda Sheet for City Council Meeting of*</b> 09/19/2011 Briefing date: Monday, September 12, 2011 Status: <b>SUBMITTED TO AGENDA</b>		Date Rec'd <small>(Clerk use only)</small> 09/07/2011
Submitting Dept*: CITY CLERK		Clerk's File # LGL 2011-0029
Contact Name & Phone*: TERRI 6354		Renewals #
Contact E-Mail*: TPFISTER@SPOKANECITY.ORG		Cross Ref # IP 2011-4
Add'l Docs Attached? <input type="checkbox"/> Report Item		Project #
Agenda Item Name: Begin with Dept # 0260 - SET HRG ON INITIATIVE 2011-4 BALLOT TITLE AND SUM		Bid #
Agenda Wording*: (30 character max) <input type="checkbox"/> Additional attached? Set Hearing before City Council for Monday, September 26, 2011, on Proposed Ballot Title and Summary of Measure for Initiative No. 2011-4, sponsored by Citizens for a Sensible Spokane, regarding possession of marijuana.		Requisition #
Summary (Background)*: (193 character max.) <input checked="" type="checkbox"/> Additional attached? On July 28, 2011, Ian Moody, on behalf of Citizens for a Sensible Spokane, filed a proposed initiative with the Office of the City Clerk. Pursuant to SMC 2.02.030, the City Attorney's Office reviewed the measure and, in consultation with the petitioner, prepared a ballot title and summary of the measure.		
Fiscal Impact		Budget Account <input type="checkbox"/> Additional attached?
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Approvals		Council Notifications (Date) <input checked="" type="checkbox"/> None
Dept Head	PFISTER, TERRI	Study Session
Division Director		Other
Finance	LESESNE, MICHELE	Distribution List (Emails preferred) <input type="checkbox"/> Additional?
Legal	PICCOLO, MIKE	mpiccolo@spokanecity.org
For the Mayor	WEBSTER, DOROTHY	Ian Moody (admin@sdpdirect.org)
Additional Approvals		
Purchasing		
Select Dept 1		
Select Dept 2		
Select Dept 3		

Save Cancel View Related Documents

APPROVED BY SPOKANE CITY COUNCIL

on  
 9/19/11  
  
 SPOKANE CITY CLERK

9/8/2011

**Continuation of Wording, Summary, and Distribution**

**Agenda Item Name:** 0260 - SET HEARING ON INITIATIVE 2011-5 BALLOT TITLE AND SUMMARY

**Agenda Wording** (630 character max)

**Summary (Background)** (870 character max)

Pursuant to SMC 2.02.040, at the September 26, 2011, Hearing on the matter, the City Council may decide:

- 1) to pass the measure as proposed;
- 2) to submit the initiative to the voters on its own motion;
- 3) to provide for legal review of the procedural and substantive validity of the proposed measure by the City Attorney, if requested by the sponsor; or
- 4) to approve a ballot title and summary of the measure.

**Fiscal Impact**

Select	\$	
Select	\$	
Select	\$	
Select	\$	

**Budget Account**

#	
#	
#	
#	

**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. 2011 – 4

We, the undersigned citizens and legal voters of the City of Spokane, Washington, respectfully direct that this proposed ordinance, known as Initiative No. 2011 – 4, 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. \_\_\_\_**

**CITY OF SPOKANE**

*An Ordinance Regarding Possession of Marijuana*

This proposition will amend the penalty for a person eighteen years and older found guilty under the municipal code of possession of less than forty grams of marijuana from a misdemeanor to a civil infraction.

SHOULD THIS PROPOSITION BE APPROVED?

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)



### **Summary of Measure**

#### **THE LAW AS IT CURRENTLY EXISTS:**

The Spokane Municipal Code Section (SMC) 10.15.100 currently provides that it is unlawful for any person to possess forty grams or less of marijuana, except as provided pursuant to chapter 69.51A RCW, the State medical marijuana statute. A person who violates SMC 10.15.100 is guilty of a misdemeanor.

#### **THE EFFECT OF THE PROPOSAL, IF APPROVED:**

This proposition would change the penalty for possession of forty grams or less of marijuana by a person eighteen years and older from a misdemeanor to a class 3 civil infraction. The penalty for a person under the age of eighteen would remain a misdemeanor.

### **Possession of Marijuana**

An Ordinance relating to the possession of less than forty grams of marijuana by adults, amending section 10.15.100 of the Spokane Municipal Code.

WHEREAS, in 1972, *The Report of the National Commission on Marihuana and Drug Abuse* recommended that possession of small amounts of marijuana by adults be decriminalized; and

WHEREAS, more than eight hundred thousand marijuana related arrests were made in the United States in 2010, ninety percent which were for simple possession alone totaling one half of all drug related arrests in America; and

WHEREAS, the criminalization of marijuana creates and perpetuates economic, cultural, and racial disparities, interfering with one's ability to obtain federally funded student loans and to secure employment; and

WHEREAS, Washington state spends an estimated \$100 million per year enforcing archaic marijuana laws; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC Section 10.15.100 is amended to read as follows:

**10.15.100 Possession of Marijuana**

1. It is unlawful for any person to possess forty grams or less of marijuana, except as provided pursuant to RCW 69.51A as now or hereafter amended.
2. A person under the age of eighteen years who violates this section is guilty of a misdemeanor. A conviction under this subsection shall be sentenced in accordance with the penalties prescribed under RCW 69.50.425 as now or hereafter amended.
3. Except as provided pursuant to subsection (2) of this section, a person who violates this section is guilty of a class 3 civil infraction under SMC 1.02.950(C) and shall be punished accordingly, pursuant to SMC 1.02.950(C).
4. All provisions of this section are mandatory. If any provision of this section is not carried out properly, any person who is registered to vote in the city of Spokane may seek judicial action to ensure the law is fully implemented.

#### Section 2. Severability

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

**Spokane Municipal Code**

Wednesday, September 7, 2011 - 9:45 AM

[Print](#) | [Close Window](#)Font Size: [Increase](#) | [Decrease](#)**Title 02 Council and Legislation****Chapter 02.02 Initiative and Referendum****Section 02.02.030 Optional Preliminary Filing of Initiative Measure**

- A. In order to facilitate the processing of a proposed initiative measure, a petitioner may file a preliminary version of the proposed measure with the city clerk.
- B. The proposed measure must contain the mailing address of the petitioner and telephone number of the petitioner or petitioner's representative.
- C. The city clerk must immediately transmit a copy of the proposed measure to the city attorney.
- D. Within two weeks after receiving the measure the city attorney prepares, after consultation with the petitioner(s), a ballot title and summary of the measure and files them with the city clerk.
  1. The ballot title is a concise statement posed as a question, not to exceed seventy-five words, bearing the number of the measure, giving a true and impartial statement of the purpose of the measure. When practicable, the question posed by the ballot title is written in such way that an affirmative answer to the question and an affirmative vote on the measure would result in a change in the law.
  2. The summary of the measure should be a clear and concise statement not to exceed one hundred fifty words.
  3. Neither the ballot title nor the summary of the measure is intentionally an argument or likely to create prejudice for or against the measure.
- E. Upon receipt of the ballot title and summary from the city attorney, the city clerk assigns a number by which the measure is identified. The city clerk affixes the ballot title and summary to the original of the proposed measure, inscribes the identifying number upon it and retains it in the official file.
- F. The city clerk must immediately furnish a copy of the proposed measure with its ballot title and summary to the sponsor and prepare a report to the city council for the next agenda. The city council sets a date for hearing. The hearing is held one week hence unless circumstances dictate otherwise.

Date Passed: Monday, February 5, 2007

Recodification ORD C33976 Section 1

**Spokane Municipal Code**

Wednesday, September 7, 2011 - 9:42 AM

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**Title 02 Council and Legislation**

**Chapter 02.02 Initiative and Referendum**

**Section 02.02.040 Optional Council Action on Preliminary Initiative Measure**

At the hearing the city council may decide to:

- 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.

Date Passed: Monday, February 5, 2007

Recodification ORD C33976 Section 1