

ORDINANCE NO. 817

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY CALIFORNIA AMENDING CHAPTER 5.88 OF THE CATHEDRAL CITY MUNICIPAL CODE TO REQUIRE CANNABIS BUSINESSES TO ENTER INTO LABOR PEACE AGREEMENTS AS A CONDITION OF LICENSURE RENEWAL

WHEREAS, Business and Professions Code section 26051.5 requires every cannabis business with 20 or more employees seeking a license to operate from the State to enter into a labor peace agreement; and

WHEREAS, the City Council desires to make a labor peace agreement a requirement of obtaining a City cannabis business license renewal for all cannabis businesses with 10 or more employees.

THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES ORDAIN AS FOLLOWS:

SECTION 1. Amendment of Chapter 5.88.

Chapter 5.88 (Cannabis Businesses) of the Cathedral City Municipal Code is amended as follows:

A. Section 5.88.055(B) is amendment to add a new subparagraph 4 and renumber the existing subparagraph 4 to 5.

"4. For licensees that have 10 or more full-time equivalent non-supervisory employees, proof that the licensee has entered into and abided by the terms of a labor peace agreement."

B. Section 5.88.025 is amended to insert the following definition in alphabetical order.

"Non-supervisory employee" means an individual employed by the licensee that does not have the authority to hire, fire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. For the purposes of this definition, an individual shall not be considered an employee of a licensee if the individual is working for the licensee pursuant to a written agreement that expressly states the individual is an independent contractor."

SECTION 2. CEQA.

The City Council hereby finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that this Ordinance does not have the potential to cause a significant effect on the environment.

SECTION 3. Effective Date.

This Ordinance shall be effective 30 days from and after its final passage. Notwithstanding the foregoing, the City Council hereby mandates a grace period of ninety (90) days from the effective date of this Ordinance to educate beverage vendors of the terms of this Ordinance, during which time no action shall be taken by the City to enforce this Ordinance.

SECTION 4. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Cathedral City hereby declare they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Publication.

The City clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).


INTRODUCED at the regular meeting of Cathedral City City Council on the 14th day of November, 2018.

APPROVED AND ADOPTED this 28th day of November, 2018.




Stanley E. Henry, Mayor

ATTEST:



Gary F. Howell, City Clerk

APPROVED AS TO FORM:



Eric S. Vail, City Attorney

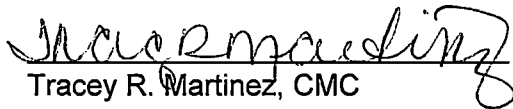
I, TRACEY R. MARTINEZ, CITY CLERK of the City of Cathedral City, do hereby certify that the foregoing Ordinance was introduced on the 14th day of November 2018, and adopted at a regular meeting of the City Council of the City of Cathedral City held on the 12th day of December, 2018 by the following vote:

AYES: Councilmembers Gutierrez, Gregory and Aguilar; Mayor Pro Tem Carnevale and Mayor Prrtis

NOES: None

ABSENT: None

ABSTAIN: None



Tracey R. Martinez, CMC
City Clerk