

ORDINANCE 1185

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING COACHELLA MUNICIPAL CODE SECTIONS 5.68.040 AND 5.69.030 REGARDING CANNABIS BUSINESS LABOR PEACE AGREEMENTS

WHEREAS, California 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, because of the significant tax revenue derived from cannabis businesses, the City has a proprietary interest in prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with cannabis business' operations; and

WHEREAS, the City Council desires to make a labor peace agreement a requirement of obtaining a City cannabis regulatory permit or renewal permit for all cannabis businesses with five (5) or more employees.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the recitals set forth above are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Amendment to Coachella Municipal Code. Coachella Municipal Code Section 5.68.040 *Regulatory permit application* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* is hereby amended as follows:

“R. For applicants or permittees that have five (5) or more employees, the applicant for a new regulatory permit, or for a renewal, shall provide proof, satisfactory to the City Manager, that the applicant or permittee has entered into and will abide by the terms of a labor peace agreement. Such proof shall be a condition to the issuance by the City of any new permit or for the renewal of any such permit. For applicants/permittees who have not yet entered into a labor peace agreement, the applicant/permittee shall provide a notarized statement indicating the applicant/permittee will enter into and abide by the terms of a labor peace agreement as soon as reasonably practicable after issuance or renewal of the regulatory permit, but in no event later than one hundred eighty (180) days following the issuance or renewal. Once the applicant has entered into the labor peace agreement, the applicant shall provide the City Manager with a copy of the page of the labor peace agreement that contains the signatures of the union representative and the applicant.

R. S. Authorization for the city manager to seek verification of the information contained within the application.

§. T. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

¶. U. A full and complete copy of the applicant's most current application submitted to and approved by the applicable state licensing authority.

⊔. V. Any such additional and further information as is deemed necessary by the city manager to administer this chapter.”

SECTION 3. Amendment to Coachella Municipal Code. Coachella Municipal Code Section 5.69.030 *Regulatory permit application* of Chapter 5.69 *Cannabis Retailer and Retail Microbusiness Regulatory Permit* is hereby amended as follows:

“Q. For applicants or permittees that have five (5) or more employees, the applicant for a new regulatory permit, or for a renewal, shall provide proof, satisfactory to the City Manager, that the applicant or permittee has entered into and will abide by the terms of a labor peace agreement. Such proof shall be a condition to the issuance by the City of any new permit or for the renewal of any such permit. For applicants/permittees who have not yet entered into a labor peace agreement, the applicant/permittee shall provide a notarized statement indicating the applicant/permittee will enter into and abide by the terms of a labor peace agreement as soon as reasonably practicable after issuance or renewal of the regulatory permit, but in no event later than one hundred eighty (180) days following the issuance or renewal. Once the applicant has entered into the labor peace agreement, the applicant shall provide the City Manager with a copy of the page of the labor peace agreement that contains the signatures of the union representative and the applicant.

⊕. R. Authorization for the city manager to seek verification of the information contained within the application.

℞. S. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

§. T. A full and complete copy of the applicant’s most current application submitted to and approved by the applicable State licensing authority.

¶. U. Any such additional and further information as is deemed necessary by the city manager to administer this chapter.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

SECTION 5. Certification and Publication. The City Clerk of the City of Coachella shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

SECTION 6. CEQA. The City Council finds that adoption of this Ordinance is not a “project,” as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Coachella on the _____ day of _____, 2021, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven Hernandez, Mayor

ATTEST:

Angela M. Zepeda, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney