

# The Truth About the Marymount Ballot Initiative

Presentation to  
City Council of Rancho Palos Verdes  
by  
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## Overview

- What is at stake?
- Why the Ballot Initiative violates the California Constitution.
- What RPV should do?

## What is at stake?

- The Marymount Plan represents a misuse of the initiative process
- If successful, other powerful interests will also misuse the process to achieve development goals at odds with our city's goals for low density development

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## What is at stake?



THE ANNEBERG PROJECT  
*at Laurel Point Vicinity, Rancho Palos Verdes*

- Imagine a Trump Initiative to place large homes on the current location of the driving range?
- Or a Ponte Vista Initiative?
- Or a York Event Garden Initiative?
- Or an Annenberg Animal Center Initiative?

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## [ The initiative is unconstitutional ]

- The initiative would add section 17.30.100.050 to the RPV Municipal Code.
- Deprives City of any power to condition or review project
  - No time limit on construction.
  - No six month review after construction to review operating hours, etc.
  - All of the conditions that Staff, City Council, the Planning Commission and Marymount have worked on for ten years would be unused.

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## [ The initiative is unconstitutional ]

- The initiative process is limited to legislative powers (i.e. the making of laws).
- The initiative process is not appropriate for administrative or executive powers (i.e. the application of laws)
  - *City of San Diego v. Dunkl*, 86 Cal. App. 4<sup>th</sup> 384, 399 (2001)
- Marymount's proposed section 17.30.100.050 of the RPV Municipal Code would deprive the city of its power to carry out its own laws.

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## What RPV Should Do.

- Staff has presented two alternatives:
  - Adopt the Ordinance.
  - Place the Ordinance on the ballot.

### **RECOMMENDATION**

1) Receive and file the City Clerk's Certification that the Petition titled "Adoption of a Specific Plan for Development of the Marymount College Campus at 30800 Palos Verdes Drive East in the City of Rancho Palos Verdes and Related General Plan and Zoning Ordinance Amendments" has qualified for a Special Municipal Election to be placed on the November 2, 2010 Statewide General Election Ballot; and, 2) Either adopt the ordinance, as proposed, or place the ordinance on the November 2, 2010 Statewide General Election.

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## What RPV Should Do.

- There is a third option.
- Follow the lead set by the City of Carpinteria.
  - Oil company sought to bypass Carpinteria's city leaders and pass a ballot initiative similar to Marymount's.
  - The City Attorney filed a complaint on behalf of the city:
    - Seeking a declaration that the ballot is invalid
    - Staying the duty of the City Attorney to put the initiative on the ballot
- The City of RPV should do the same.

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## [ For More Information ]

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FOR MORE INFORMATION ABOUT THE  
MARYMOUNT INITIATIVE AND OTHER ISSUES  
FACING PALOS VERDES VISIT:

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