

AGENDA ITEM SUMMARY

DATE: 02/11/2008 **DEPARTMENT:** Elections **DEPT. HEAD SIGNATURE:** HD

SUBJECT

Calling of Special City Election

AUTHORITY: ID Code Section 34-106 or 50-436 Municipal Code Chapter 1.16.080.B.

Idaho Code requires that an election be called by the clerk when an initiative petition has been successfully perfected and certified.

BACKGROUND:

Municipal Code Chapter 1.16.080.B. In the event that a petition filed with the City Clerk is found by the City Clerk to contain the required number of certified signatures, the City Clerk shall promptly, by certified mail, inform the petitioners, and shall also notify the City Council at its next meeting that the initiative or referendum petition is in proper form, and an election shall be ordered by the City to be conducted citywide. A special election for initiative or referendum shall be provided at the next available date for election as set by Idaho Code Section 34-106, as amended, for which there is adequate time for publication of election notice pursuant to Idaho Code Section 50-436, as amended.

The attached initiative petitions are complete, and the attached correspondence has been sent by certified mail to the Liberty Lobby.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Budget Line Item # _____ YTD Line Item Balance \$ _____

The costs of this election is estimated to be \$4000, not including city staff time.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Mayor
___ P & Z Commission	___ Parks & Lands Board	___ Public Works	___ Other

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss challenges to setting the ballot as required under Hailey Municipal Code 1.16.090 Form of ballot.

The city council shall prepare a ballot for an initiative or referendum election in one of the following ways:
A. If the full text of the ordinance or proposed ordinance to be voted on does not exceed one hundred words in length, it may be set out in full on the election ballot; or
B. If the full text of the ordinance or proposed ordinance to be voted upon exceeds one hundred words in length, and the council votes not to have it printed at length on the election ballot, it shall, with the assistance of the city attorney, prepare a short title and description of the ordinance or proposed ordinance which shall clearly and impartially state its purpose and effect, which short title and description shall be printed on the election ballot. (Ord. 393 §9, 1979)

FOLLOW UP NOTES:

City of Hailey

115 MAIN STREET SOUTH, SUITE H
HAILEY, IDAHO 83333

(208) 788-4221
Fax: (208) 788-2924

February 6, 2008

Via Certified Mail
7005-0390-0003-6885-9221

Mr. Ryan Davidson
121 East 36th Street
Garden City, Idaho 83714

Re: Initiative Petitions – Signatures Certified as Sufficient and Election Called

Dear Mr. Davidson:

Your initiative petitions, filed with my office on January 22, 2008, have been examined by the County Clerk and returned to my possession. The County Clerk's office certified a sufficient number of signatures as those of qualified Hailey electors. Seventeen (17) qualified signatures were required for your initiative to be valid at this time; two of your petitions had 19, and two had 20, qualified signatures.

A special election shall be called for May 27, 2008, the next available date allowed under Idaho Code Section 34-106 and 50-436. The Hailey City Council will discuss whether or not to summarize the "Cannabis" measure for the ballot during its February 11, 2008 Hailey City Council meeting. During that same meeting, legal advice will be sought relative to the balloting of the other three initiatives, which appear to be already approved by Hailey voters.

Enclosed is a copy of your petitions after completion of their review by election officials. We will retain the petitions as public record.

Also enclosed are forms required to be filed with my office prior to the receipt or expense of funds to either support or oppose any city-wide ballot measure. Hailey's regulations upon this matter mirror state law as follows:

1.16.130 Application Campaign Expenditures Reporting Law. The provisions of Idaho Code Sections 67-6601 through 67-6616 and 67-6623 through 67-6630, as amended, insofar as they relate to the reporting of campaign contributions, are hereby made applicable to all elections for any citywide measure, except that the City Clerk shall stand in place of the Secretary of State and the City Attorney shall stand in place of the Attorney General.

Thank you for your interest in city government.

Sincerely,



Heather Dawson
Hailey City Clerk
enc.

RECEIVED

JAN 22 2008

INITIATIVE PETITION TO THE MAYOR AND COUNCIL
OF THE CITY OF HAILEY, IDAHO

This petition is circulated under the authority of:

THE LIBERTY LOBBY OF IDAHO
Ryan Davidson, Chairman
121 East 36th Street
Garden City, ID 83714
(208) 353-8157
Ryan.Davidson@libertynet.us
www.IdahoLibertyLobby.org

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

We, the undersigned citizens and qualified electors of the City of Hailey, respectfully demand that the following proposed ordinance, to-wit...

BY THE VOTERS OF THE CITY OF HAILEY:

AN ORDINANCE BY THE CITY OF HAILEY, A MUNICIPAL CORPORATION, PROVIDING FOR A MEDICAL MARIJUANA POLICY OF THE CITY; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR A CITY ADVOCATE TO LOBBY OTHER BRANCHES OF GOVERNMENT FOR REFORM OF MEDICAL MARIJUANA LAWS; PROVIDING FOR A COMMUNITY OVERSIGHT COMMITTEE; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE VOTERS OF THE CITY OF HAILEY:

Section 1: TITLE

This short title of this initiative shall be and the initiative may be enacted as "The Hailey Medical Marijuana Act."

Section 2: FINDINGS

The people of Hailey, Idaho find as follows:

WHEREAS the National Academy of Sciences' Institute of Medicine concluded, after reviewing relevant scientific literature including dozens of works documenting marijuana's therapeutic value,¹ that there are some circumstances in which smoking marijuana is a legitimate medical treatment;² and,

WHEREAS a scientific survey conducted in 1990 by Harvard University researchers found that 54% of oncologists with an opinion favored the controlled medical availability of marijuana, and 44% had already suggested at least once that a patient obtain marijuana illegally;³ and,

WHEREAS tens of thousands of patients nationwide — people with AIDS, cancer, glaucoma, chronic pain, and multiple sclerosis — have found marijuana in its natural form to be therapeutically beneficial⁴ and are already using it with their doctors' approval; and,

WHEREAS numerous organizations have endorsed medical access to marijuana, including the AIDS Action Council, American Nurses Association, American Academy of HIV Medicine, American Bar Association, American Medical Student Association, American Preventive Medical Association, American Public Health Association, California Academy of Family Physicians, California Legislative Council for Older Americans, California Medical Association, California Nurses Association, California-Pacific Annual Conference of the United Methodist Church, California Pharmacists Association, California Society of Addiction Medicine, Florida Medical Association, Gray Panthers, Lymphoma Foundation of America, Multiple Sclerosis California Action Network, National Association for Public Health Policy, National Association of Attorneys General, National Association of People with AIDS, National Black Police Association, National Women's Health Network, New York State Nurses Association, Public Citizen, Virginia Nurses Association, Whitman-Walker Clinic (Washington, D.C.), Women of Reform Judaism; and,

WHEREAS a scientific survey conducted in 1995 by Belden & Russonello (a Washington, D.C.-based polling firm) indicated that 79% of U.S. voters support the idea of "legaliz[ing] marijuana to relieve pain and for other medical uses if prescribed by a doctor";⁵ and,

WHEREAS national public opinion polls conducted by ABC News, CBS News, the Family Research Council, and the Gallup Organization between 1997 and 1999 found substantial support for medical marijuana;⁶ and,

WHEREAS since 1996, medical marijuana initiatives received a majority of votes in every state in which they appeared on the ballot — Alaska, Arizona, California, Colorado, the District of Columbia, Maine, Nevada, Oregon, and Washington state;⁷ and,

WHEREAS on June 14, 2000, Governor Ben Cayetano of Hawaii signed into law the first medical marijuana bill enacted via a state legislature which permits the cultivation, possession, and use of medical marijuana; and,

WHEREAS on September 6, 1988, after reviewing all available medical data, the Drug Enforcement Administration's chief administrative law judge, Francis L. Young, declared that marijuana is "one of the safest therapeutically active substances known" and recommended making marijuana available by prescription;⁸ and,

WHEREAS the federal penalty for possessing one marijuana cigarette — even for medical use — is up to one year in prison, and the penalty for growing one plant is up to five years;⁹ and,

WHEREAS the penalties are similar in most states, where medical marijuana users must live in fear of being arrested; and,

WHEREAS the present federal classification of marijuana¹⁰ and the resulting bureaucratic controls impede additional scientific research into marijuana's therapeutic potential,¹¹ thereby making it nearly impossible for the Food and Drug Administration to evaluate and approve marijuana through standard procedural channels; and,

WHEREAS seriously ill people should not be punished for acting in accordance with the opinion of their physicians in a bona fide attempt to relieve suffering; and,

WHEREAS the state of Idaho has no mandate under the Constitution to outlaw medical marijuana and would therefore be subordinate to the will of the people as expressed through the initiative process and guaranteed by Article One Section Two of the Idaho Constitution;

THEREFORE the people of the City of Hailey do hereby enact the following ordinance establishing the medical marijuana policy of the city.

-
- 1 "The Medical Value of Marijuana and Related Substances," Chapter 4 of the Institute of Medicine's *Marijuana and Medicine: Assessing the Science Base* (Washington: National Academy Press, 1999), lists 198 references in its analysis of marijuana's medical uses.
 - 2 From Principal Investigator Dr. John Benson's opening remarks at the Institute of Medicine's news conference releasing the report *Marijuana and Medicine: Assessing the Science Base* (March 17, 1999).
 - 3 R. Doblin and M. Kleiman, "Marijuana as Antiemetic Medicine," *Journal of Clinical Oncology* 9 (1991): 1314-1319.
 - 4 The therapeutic value of marijuana is supported by existing research and experience. For example, the following statement appeared in the American Medical Association's "Council on Scientific Affairs Report 10 — Medicinal Marijuana," adopted by the AMA House of Delegates on December 9, 1997:
 - * "Smoked marijuana was comparable to or more effective than oral THC, and considerably more effective than prochlorperazine or other previous antiemetics in reducing nausea and emesis." (page 10)
 - * "Anecdotal, survey, and clinical data support the view that smoked marijuana and oral THC provide symptomatic relief in some patients with spasticity associated with multiple sclerosis (MS) or trauma." (page 13)
 - * "Smoked marijuana may benefit individual patients suffering from intermittent or chronic pain." (page 15)
 - 5 Belden & Russonello interviewed 1,001 registered voters, selected by a national random digit dial survey, on behalf of the American Civil Liberties Union, which released the results via its Department of Public Education on November 27, 1995.
 - 6 ABC News/Discovery News (69% support medical marijuana, poll conducted May 27, 1997 by Chilton Research); CBS News (66% of Independent respondents, 64% of Democrat respondents, and 57% of Republican respondents support medical marijuana, poll reported in *The New York Times*, June 15, 1997); Family Research Council (74% support medical marijuana, poll conducted Spring 1997); Gallup (73% support medical marijuana, poll conducted March 19-21, 1999).
 - 7 Alaska, Measure 8, Nov. 1998, received 58% of the vote; Arizona, Proposition 200, Nov. 1996, received 65% of the vote; Arizona, Proposition 300, Nov. 1998, rejected by 57% of the vote (by rejecting Proposition 300, voters upheld the medical marijuana provision in 1996's Proposition 200); California, Proposition 215, Nov. 1996, received 56% of the vote; Colorado, Amendment 20, Nov. 2000, received 54% of the vote; District of Columbia, Initiative 59, Nov. 1998, received 69% of the vote; Maine, Question 2, Nov. 1999, received 61% of the vote; Nevada, Question 9, Nov. 2000, received 65% of the vote; Oregon, Measure 67, Nov. 1998, received 55% of the vote; Washington, Initiative 692, Nov. 1998, received 59% of the vote.
 - 8 U.S. Department of Justice, Drug Enforcement Administration. "In The Matter Of Marijuana Rescheduling Petition, Docket No. 86-22, Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of Administrative Law Judge," Francis L. Young, Administrative Law Judge, September 6, 1988.
 - 9 Section 844(a) and Section 841(b)(1)(D), respectively, of Title 21, United States Code.
 - 10 Section 812(c) of Title 21, United States Code.
 - 11 The U.S. Department of Health and Human Services (HHS) issued written guidelines for medical marijuana research, effective December 1, 1999. The guidelines drew criticism from a coalition of medical groups, scientists, members of Congress, celebrities, and concerned citizens. The coalition called the guidelines "too cumbersome" and urged their modification in a letter to HHS Secretary Donna Shalala on November 20, 1999. Signatories of the letter included 33

members of Congress, former Surgeon General Joycelyn Elders, and hundreds of patients, doctors, and medical organizations.

Section 3: DEFINITION

“Marijuana” as used in this initiative shall be as currently defined in Idaho Code 37-2701(s), and shall also include any other variety of marijuana not enumerated therein.

Section 4: PURPOSE

The purpose of this initiative is:

1. To ensure that patients, for whom marijuana has been recommended by a physician, suffer no punishment or penalty for obtaining, possessing, and/or using medicinal marijuana and/or marijuana paraphernalia used to consume medicinal marijuana, and to ensure that individuals are not arrested and suffer only a fine, and no other punishment or penalty, for the possession of less than 35 grams of marijuana and/or marijuana paraphernalia. This Initiative shall be liberally construed for the accomplishment of these purposes.
2. To issue an official declaration advocating changes in Idaho State law, county ordinance, or any other applicable laws to authorize the use of marijuana for medical purposes.
3. To stimulate communitywide debate on a public policy issue of great importance.
4. To establish a community panel to oversee the implementation of this initiative.

Section 5: USE OF MEDICAL MARIJUANA

Seriously ill citizens have the right to obtain, possess, and use up to 35 grams of marijuana for medicinal purposes where that medical use is deemed appropriate and is recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, HIV, AIDS, chronic pain, glaucoma, arthritis, migraines, or any other serious condition for which marijuana provides relief. Patients who obtain and use marijuana for medicinal purposes upon the recommendation of a physician shall not be subject to any arrest, prosecution, punishment, or sanction; once a doctor's recommendation has been provided by the patient, any marijuana and/or marijuana paraphernalia charges against the patient shall be dismissed by the prosecuting attorney. Also, physicians who recommend marijuana for their patients shall not be subject to any arrest, prosecution, punishment or sanction. Local enforcement of state law shall be by summons only. All such matters shall only be referred to the Municipal Prosecuting Attorney, and no other prosecuting attorney, and the Municipal Prosecuting Attorney shall not refer the matter to any other prosecutor, agency, or office, unless the individual is also charged with a non-related felony offense arising from the same set of facts and circumstances.

Section 6: ADVOCACY FOR LEGISLATIVE REFORM

The City of Hailey is hereby instructed to advocate by official public declaration and through its lobbyist and other city officers, for changes to state law (and laws at other levels of government as necessary) to support the goals and implementation of this ordinance. Legislative changes to be advocated include, but are not limited to, the following:

- a) Amendment of state code to allow for the use of medical marijuana by seriously ill patients;
- b) End any sanctions against physicians who prescribe or recommend medical marijuana to their patients;

- c) Grant local control to cities and counties to license and regulate the use of medical marijuana; and
- d) End the prosecution, arrest, investigation and imprisonment of seriously ill adults who use marijuana for medicinal purposes.

Additionally, the enactment of this initiative by the voters of the city shall constitute said voters' express and official desire for legislative change to the state's medical marijuana laws.

Section 7: COMMUNITY OVERSIGHT COMMITTEE

Upon enactment of this initiative, a Community Oversight Committee shall be appointed to oversee the implementation of the Hailey Medical Marijuana Act. The Committee shall hold regular public meetings and shall solicit input and testimony from members of the public. The Committee will be composed of:

- 1 community member appointed by each member of the Hailey City Council,
- 1 community member appointed by the Mayor of Hailey,
- 1 community member appointed by the Hailey Chief of Police,
- 1 representative of the Liberty Lobby of Idaho.

Responsibilities of the seven-member Committee shall include:

- a) Ensure timely implementation of this ordinance;
- b) Make recommendations to the Hailey City Council regarding appropriate regulations to carry out Section 5 above;
- c) Report regularly to the Council on the implementation of this ordinance.

The Committee shall have the power to promulgate rules and regulations not inconsistent with this initiative to govern its own conduct and public meetings.

In the event that the voters of the City of Hailey adopt more than one initiative relating to cannabis law reform that contains a provision for a Community Oversight Committee, the committees shall be consolidated for all purposes.

Section 8: SEVERABILITY

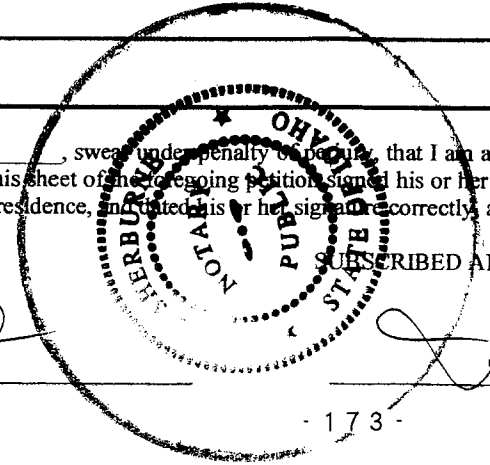
If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

...shall be submitted to the qualified electors of the City of Hailey for their approval or rejection at an election to be called in accordance with section 50-501 (3), Idaho Code, and each for himself says: I have personally signed this petition; I am a qualified elector of the City of Hailey, my residence and post office address are correctly written after my name:

Signature	Printed Name	Residential Street & Number	P.O. Box and City	Date
<i>[Signature]</i>	Sergio Weston	111 E Myrtle	Hailey	1/20/08
<i>[Signature]</i>	PAMELA PLOWMAN	111 E. MYRTLE ST.	HAILEY	1/20/08
<i>[Signature]</i>	Gregory Plowman	430 Northstar dr.	Box 105	1/21/08
<i>[Signature]</i>	JOHN MURPHY	210 W. ...	Hailey Id	1/21/08
<i>[Signature]</i>		417 1st Ave N	Hailey ID	1/21/08
<i>[Signature]</i>	Eric Thomas	1220 silverstar	Hailey Id	1/21/08
<i>[Signature]</i>	JACK DAILEY	2901 Brownbank Dr	Hailey	1/21/08
<i>[Signature]</i>	Danette Fisher	302 E Winterham LOOP	registered add. different - not in voting district	1/21/08
<i>[Signature]</i>	Mark Eric	820 Deerfield Dr	Hailey	1/21/08
<i>[Signature]</i>	LISTON	951 Silverstone / 3643 / Hailey		1/21/08
<i>[Signature]</i>	RUTH CLARK	117 E Spruce St	POB 1862 H	1/21/08
<i>[Signature]</i>		111 BAYVIEW	VIEW DR	1/21/08
<i>[Signature]</i>	Kay Korta	1730 Northside	PO. 1632	1/21/08
<i>[Signature]</i>	Jim Hunt	1574 Bala	P.O 1086	1/21/08
<i>[Signature]</i>	Brian Deachy	720 Sunrise Dr	not registered	1/22/08
<i>[Signature]</i>	Franz Kepp	620 3rd St.	Hailey ID 83333	1-22-08
<i>[Signature]</i>	JENNIFER BLONDI	940 FOREST BEND DR	PO BOX 3768 HAILEY, 83333	1-22-08

18.
19.
20.

I, DEAN RUTHERFORD, swear under penalty of perjury that I am a resident of the State of Idaho and at least eighteen years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post-office address and residence, and dated his or her signature correctly, and that the person was eligible to sign this petition.

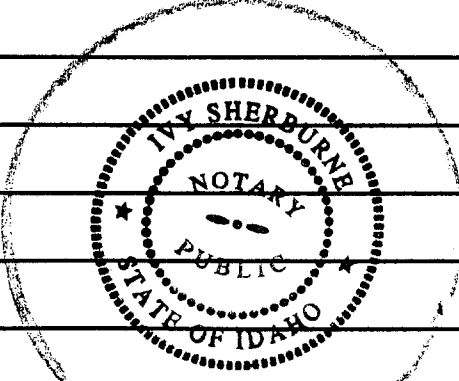


SUBSCRIBED AND SWORN TO before me this 22nd day of January, 2008

[Signature]

Signature
513 N MAIN
HAILEY

Signature	Printed Name	Residential Street & Number	P.O. Box and City	Date
1. [Signature]	DEAN RUTHERFORD	513 N MAIN <small>registered address not in voting district / address not current</small>	HAILEY	1/19/08
ok 2. [Signature]	TC Cheistman	48 W. Mendocino	Hailey	1/21/08
3. [Signature]	Erik Gullberg	720 River Trail	Hailey	1/21/08
ok 4. [Signature]	Kurt Almann	2381 Moonlight	Hailey	1/21/08
ok 5. [Signature]	Mark Kashino	207 GALENA DR.	HAILEY	1/21/08
ok 6. [Signature]	Dennis Skahill	320 N 2nd Ave (135)	Hailey	1-21-08
ok 7. [Signature]	Ellen C Kashino	264 Galena Dr	Hailey	1-21-08
ok 8. [Signature]	MARK KASHINO	207 GALENA DR	HA	1/21/08
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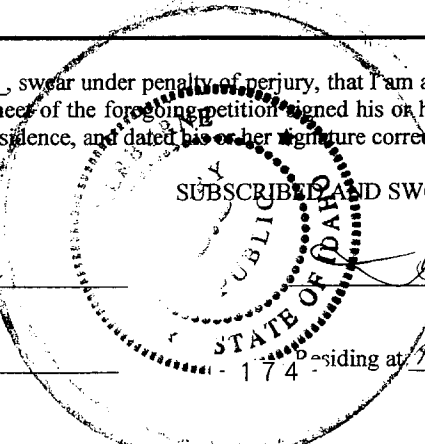


I, DEAN RUTHERFORD, swear under penalty of perjury, that I am a resident of the State of Idaho, and at least eighteen years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post-office address and residence, and dated his or her signature correctly, and that the person was eligible to sign this petition.

SUBSCRIBED AND SWORN TO before me this 22 day of January, 2008

[Signature]
Signature of Circulator

ADDRESS: 513 N MAIN
HAILEY



[Signature]
Residing at HAILEY, IDAHO. Commission Expires: 1-10-2014

Signature Printed Name Residential Street & Number P.O. Box and City Date

1. Gurumukh Khalsa GURUMUKH KHALSA 1011 ANTELOPE, 231, HAILEY 1/21/08

2. Jason McIlhenny JASON McILHENNEY 1011 ANTELOPE 231 HAILEY 1/21/08

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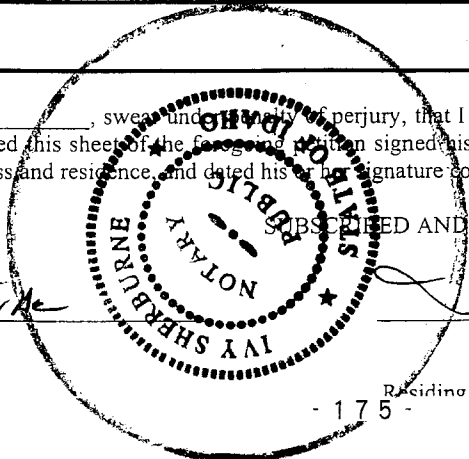
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SUBSCRIBED AND SWORN TO before me this 22 day of January, 2008



Dean Rutherford

Signature of Circulator

Ivy Sherrburne

ADDRESS:
513 N MAIN
HAILEY

Residing at Hailey IDAHO Commission Expires:

SELECTION CRITERIA

If no selection is displayed, everything is selected.

Status :

Petition Selected :

Petition Code	Petition Name	Type	Status	Start Date	End Date	Lock Down Date	Signs Required	Owner Name	Owner Address
2008 HIMMA	THE HAILEY MEDICAL MARIJUANA ACT	PETITION	Active	11/06/2007	01/22/2008	03/22/2008	17	RYAN DAVIDSON	121 EAST 36TH STREET GARDEN CITY ID

County : BLAINE

Generated By : HSCHIERS

Voter ID	Name	Residence Address	Precinct	Status	Signature Date	Page No	Seq No
003804208	THOMAS, ERIC, RICHARD	1220 SILVER STAR DR, HAILEY 83333	006	Accepted	01/21/2008	1	6
003810681	BRADISH, ANN, M	417 N 1ST AVE, HAILEY 83333	007	Accepted	01/21/2008	1	5
003807635	CHRISTIAN, THOMAS, CLAY	451 WEST MEADOW DR, HAILEY 83333	007	Accepted	01/21/2008	2	2
010081671	KASHINO, AQUILA	207 GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	5
003800573	KASHINO, ELLEN, COLEEN	204 E GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	7
003801679	KASHINO, MARK, EDWARD	204 E GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	8
003803225	KJESBO, KARY, L	1730 NORTHRIDGE DR, HAILEY 83333	007	Accepted	01/21/2008	1	13
003810823	KOPP, FRANZ, A	630 N 3RD AVE, HAILEY 83333	007	Accepted	01/22/2008	1	16
003802740	PLOWMAN, GREGORY, W	430 NORTHSTAR DR, HAILEY 83333	007	Accepted	01/21/2008	1	3
003802739	PLOWMAN, PAMELA, RAE	111 E MYRTLE ST, HAILEY 83333	007	Accepted	01/20/2008	1	2
003803273	SKAHILL, DENNIS, M	320 N 2ND AVE, HAILEY 83333	007	Accepted	01/21/2008	2	6
003802794	WESTON, DOUGLAS, W	111 E MYRTLE ST, HAILEY 83333	007	Accepted	01/20/2008	1	1
03802289	ALMQUIST, KURT, STEVEN	2321 MOONLIGHT DR, HAILEY 83333	008	Accepted	01/21/2008	2	4
03801819	DAILEY, JACK, R	2951 BEAVER BROOK DR, HAILEY 83333	008	Accepted	01/21/2008	1	7
003803618	HAUPT, JAMES, ERLAND	1574 BALDY VIEW DR, HAILEY 83333	008	Accepted	01/21/2008	1	14
010049853	KHALSA, GURUMUKH, KAUR	1011 ANTELOPE DR, HAILEY 83333	008	Accepted	01/21/2008	3	1
003807519	LISTON, NANCY	951 SILVERSTONE DR, HAILEY 83333	008	Accepted	01/21/2008	1	10
010050981	MCILHANEY, JASON	1011 ANTELOPE DR, HAILEY 83333	008	Accepted	01/21/2008	3	2
003806233	ERVIN, MARK, HOYNE	880 DEERFIELD DR, HAILEY 83333	14	Accepted	01/21/2008	1	9

Total Accepted : 19

Total Printed : 19

RECEIVED

JAN 22 2008

INITIATIVE PETITION TO THE MAYOR AND COUNCIL
OF THE CITY OF HAILEY, IDAHO

This petition is circulated under the authority of:

THE LIBERTY LOBBY OF IDAHO
Ryan Davidson, Chairman
121 East 36th Street
Garden City, ID 83714
(208) 353-8157
Ryan.Davidson@libertynet.us
www.IdahoLibertyLobby.org

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

We, the undersigned citizens and qualified electors of the City of Hailey, respectfully demand that the following proposed ordinance, to-wit...

BY THE VOTERS OF THE CITY OF HAILEY:

AN ORDINANCE BY THE CITY OF HAILEY, A MUNICIPAL CORPORATION, PROVIDING FOR A MARIJUANA POLICY OF THE CITY; PROVIDING THAT USE OF MARIJUANA BY ADULTS SHALL BE THE LOWEST POLICE PRIORITY OF THE CITY; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR A CITY ADVOCATE TO LOBBY OTHER BRANCHES OF GOVERNMENT FOR REFORM OF MARIJUANA LAWS; PROVIDING FOR A COMMUNITY OVERSIGHT COMMITTEE; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE VOTERS OF THE CITY OF HAILEY:

Section 1: TITLE

This short title of this initiative shall be and the initiative may be enacted as "The Hailey Lowest Police Priority Act."

Section 2: FINDINGS

The people of Hailey, Idaho find as follows:

WHEREAS the federal government's war on drugs has failed, and

WHEREAS Hailey should determine its marijuana policies locally, not hand them over to the federal Drug Enforcement Administration, and

WHEREAS each year Idaho spends millions of dollars enforcing marijuana laws, thereby filling local jails and prisons to capacity, and expending valuable law enforcement resources that would be better spent on fighting violent and serious crimes; and

WHEREAS decades of arresting millions of marijuana users have failed to control marijuana use or reduce its availability; and

WHEREAS medical and governmental studies have consistently found cannabis to be less dangerous than alcohol, tobacco and other already legal drugs; and

WHEREAS making adult marijuana offenses Hailey's lowest law enforcement priority will reduce the city's spending on law enforcement and punishment;

THEREFORE the people of the City of Hailey do hereby enact the following ordinance establishing that marijuana offenses by adults shall be the lowest police priority of the city.

Section 3: DEFINITIONS

"Marijuana" as used in this initiative shall be as currently defined in Idaho Code 37-2701(s), and shall also include any other variety of marijuana not enumerated therein.

"Adult" means an individual who is 18 years of age or older.

"Hailey law enforcement officer" means a member of the Hailey Police Department or any other city agency or department that engages in law enforcement activity.

"Lowest law enforcement priority" means a priority such that all law enforcement activities related to all offenses other than adult, personal-use marijuana offenses shall be a higher priority than all law enforcement activities related to marijuana offenses, where the marijuana was intended for adult personal use, other than the exceptions designated in this chapter.

Section 4: PURPOSE

The purpose of this initiative is:

1. To make investigations, citations, arrests, property seizures, and prosecutions for adult marijuana offenses, where the marijuana was intended for adult personal use, the City of Hailey's lowest law enforcement priority; and
2. To issue an official declaration advocating changes in Idaho State law, county ordinance, or any other applicable laws to decriminalize the use of marijuana by adults.
3. To stimulate communitywide debate on a public policy issue of great importance.
4. To establish a community panel to oversee the implementation of this initiative.

Section 5: LOWEST POLICE PRIORITY

Hailey law enforcement officers shall make law enforcement activity relating to marijuana offenses, where the marijuana was intended for adult personal use, their lowest law enforcement priority. Law enforcement activities relating to marijuana offenses include, but are not limited to, investigation, citation, arrest, seizure of property, or providing assistance to the prosecution of adult marijuana offenses.

This lowest law enforcement priority policy shall not apply to use of marijuana on public property or driving under the influence.

The lowest law enforcement priority policy shall apply to cooperating with state or federal agents to arrest, cite, investigate, prosecute, or seize property from adults for marijuana offenses included in the lowest law enforcement priority policy.

Hailey law enforcement officers shall not accept or renew formal deputization or commissioning by a federal law enforcement agency if such deputization or commissioning will include investigating, citing, arresting, or seizing property from adults for marijuana offenses included in the lowest law enforcement priority policy.

Hailey shall not accept any federal funding that would be used to investigate, cite, arrest, prosecute, or seize property from adults for marijuana offenses included in the lowest law enforcement priority policy.

Section 6: ADVOCACY FOR LEGISLATIVE REFORM

The City of Hailey is hereby instructed to advocate by official public declaration and through its lobbyist and other city officers, for changes to state law (and laws at other levels of government as necessary) to support the goals and implementation of this ordinance. Legislative changes to be advocated should include, but are not limited to, the following:

- a) Allow for municipalities to set their own criminal penalties for marijuana use;
- b) Decriminalize generally the use of marijuana by adults;
- c) Enforcement of existing laws by summons only.

Additionally, the enactment of this initiative by the voters of the city shall constitute said voters' express and official desire for legislative change to the state's marijuana laws.

Section 7: COMMUNITY OVERSIGHT COMMITTEE

Upon enactment of this initiative, a Community Oversight Committee shall be appointed to oversee the implementation and enforcement of the Hailey Lowest Police Priority Act. The Committee shall hold regular public meetings and shall solicit input and testimony from members of the public. The Committee will be composed of:

- 1 community member appointed by each member of the Hailey City Council,
- 1 community member appointed by the Mayor of Hailey,
- 1 community member appointed by the Hailey Chief of Police,
- 1 representative of the Liberty Lobby of Idaho.

Responsibilities of the seven-member Committee shall be as follows:

- (a) Ensuring timely implementation of this chapter, with the cooperation of the Hailey Police Department and any other Hailey law enforcement agencies in providing needed data;
- (b) Receiving any grievances from individuals who believe they were subjected to law enforcement activity contrary to the lowest law enforcement priority policy;
- (c) Designing a supplemental report form for Hailey law enforcement officers to use to report all adult marijuana arrests, citations, and property seizures and all instances of officers assisting in state or federal arrests, citations, and property seizures for any adult marijuana offenses. The supplemental report form shall be designed with the goal of allowing the committee to ascertain whether the lowest law enforcement priority policy was followed;
- (d) Requesting additional information from any Hailey law enforcement officer who engaged in law enforcement activity relating to one or more marijuana offenses under circumstances which appear to violate the lowest law enforcement priority policy. An officer's decision not to provide additional information may be grounds for discipline; and
- (e) Submitting written reports semiannually to the Hailey City Council on the implementation of this ordinance, with the first report being issued nine months after the enactment of this chapter. These reports shall include, but not necessarily be limited to: the number of all arrests, citations, property seizures, and prosecutions for marijuana offenses in Hailey; the breakdown of arrests and citations by race, age, specific charge, and classification as infraction, misdemeanor, or felony; any instances of law enforcement activity that the committee believes violated the lowest law enforcement priority policy; and the estimated time and money spent by the city on law enforcement and punishment for adult marijuana offenses.

Hailey law enforcement officers shall submit to the committee a supplemental report within two weeks after each adult marijuana arrest, citation, or property seizure or instance of assisting in a state or federal arrest, citation, or property seizure for any adult marijuana offense in Hailey.

The Committee shall have the power to promulgate rules and regulations not inconsistent with this initiative to govern its own conduct and public meetings.

In the event that the voters of the City of Hailey adopt more than one initiative relating to cannabis law reform that contains a provision for a Community Oversight Committee, the committees shall be consolidated for all purposes.

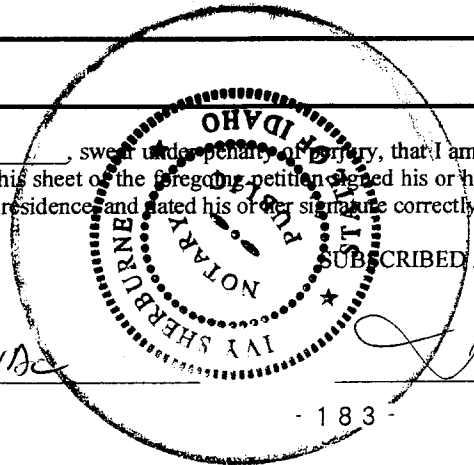
Section 8: SEVERABILITY

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

...shall be submitted to the qualified electors of the City of Hailey for their approval or rejection at an election to be called in accordance with section 50-501 (3), Idaho Code, and each for himself says: I have personally signed this petition; I am a qualified elector of the City of Hailey, my residence and post office address are correctly written after my name:

Signature	Printed Name	Residential Street & Number	P.O. Box and City	Date
<i>[Signature]</i>	Gregory Plawman	430 Northstar Dr.	Box 105 H	1/21/08
<i>[Signature]</i>	PAMELA Plawman	111 E. MYRTLE ST.	HAILEY	1/21/08
<i>[Signature]</i>	Doug Weston	11 E. Myrtle	Hailey	1/21/08
<i>[Signature]</i>	JOHN MURPHY	210 W. WALNUT	HAILEY ID	1/21/08
<i>[Signature]</i>	Ann Bredish	417 1st Aven	Hailey	1/21/08
<i>[Signature]</i>	JACK DAILEY	2901 Baseline Dr	Hailey	1/21/08
<i>[Signature]</i>	Danette Fisher	302 E. Winterberry Loop		1/21/08
<i>[Signature]</i>	Elouise	880 Deerfield Drive	Hailey	1/21/08
<i>[Signature]</i>	LISTON	951 Silverstone	W 3643 H.	1/21/08
<i>[Signature]</i>	RUTH CLARK	117 E. Spruce St.	POB 1862 H.	1/21/08
<i>[Signature]</i>	BRADY VIEW DR	111		1/21/08
<i>[Signature]</i>	Kari Kjesbo	1730 Northridge	1630 Ket	1/21/08
<i>[Signature]</i>	Jim Haupt	1574 BARRY	P.O. 1086	1/21/08
<i>[Signature]</i>	Jordan Jennings	720 Sunrise Dr	PO 3215	1/22/08
<i>[Signature]</i>	Franz Kopp	630 3rd St.	Hailey ID Box 3353	1-22-08
<i>[Signature]</i>	JENNIFER BIONDI	940 FOREST BEND DR.	Box 3768 HAILEY, 83333	1-22-08

I, DEAN RUTHERFORD, swear under penalty of perjury, that I am a resident of the State of Idaho and at least eighteen years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post-office address and residence, and dated his or her signature correctly, and that the person was eligible to sign this petition.



SUBSCRIBED AND SWORN TO before me this 22 day of January, 2008

[Signature]
Signature
513 N MAIN
HAILEY

[Signature]

Signature	Printed Name	Residential Street & Number	P.O. Box and City	Date
<i>[Signature]</i>	DEAN RUTHERFORD	513 N MAIN	HAILEY	1/19/08
<i>[Signature]</i>	TE CHRISTIAN	457 W Meadow	Hailey	1/21/08
<i>[Signature]</i>	Erik Gullberg	720 River Trail	Hailey	1/21/08
<i>[Signature]</i>	Kent ALMONST	12321 morning Lt	Hailey	1/21/08
<i>[Signature]</i>	AQUILA KASHEN	207 GALLEN DR.	HAILEY	1/21/08
<i>[Signature]</i>	Marie C. Skahill	320 N-2nd	Hailey	1/21/08
<i>[Signature]</i>	Dennis Skahill	320 W 2nd Ave	Hailey	1-21-08
<i>[Signature]</i>	Ellen C Kashino	204 Galen Dr	Hailey	1-21-08
<i>[Signature]</i>	MARK KASHINO	204 GALLEN DR	HA	1/21/08

I, DEAN RUTHERFORD swear under penalty of perjury, that I am a resident of the State of Idaho and at least eighteen years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post-office address and residence, and dated his or her signature correctly, and that the person was eligible to sign this petition.

Signature of Circulator: *[Signature]* NOTARY PUBLIC STATE OF IDAHO
 SUBSCRIBED AND SWORN TO before me this 19 day of January, 2008

ADDRESS: 513 N MAIN
HAILEY IDAHO. Commission Expires: 1-10-2014

Signature Printed Name Residential Street & Number P.O. Box and City Date

OK 1. *[Signature]* GURMUKH KAISA 1011 ANTELOPE, 231, HAILEY 1/21/08

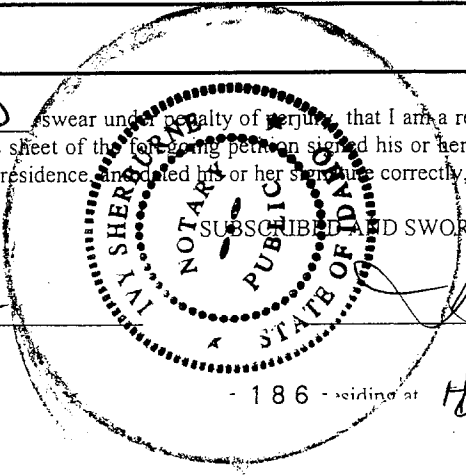
OK 2. *[Signature]* JASON McILHANEY 1011 ANTELOPE 231 HAILEY 1/21/08

- 3. _____
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- 12. _____
- 13. _____
- 14. _____
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- 18. _____
- 19. _____
- 20. _____

I, DEAN RUTHERFORD do swear under penalty of perjury that I am a resident of the State of Idaho and at least eighteen years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post-office address and residence, and copied his or her signature correctly, and that the person was eligible to sign this petition.

SUBSCRIBED AND SWORN TO before me this 22 day of January, 2008

[Signature of Dean Rutherford]
Signature of Circulator



[Signature]

ADDRESS: 513 N MAIN
HAILEY

SELECTION CRITERIA

If no selection is displayed, everything is selected.

Status :

Petition Selected :

Petition Code	Petition Name	Type	Status	Start Date	End Date	Lock Down Date	Signs Required	Owner Name	Owner Address
2008 HLPPA	THE HAILEY LOWEST POLICE PRIORITY ACT	PETITION	Active	11/06/2007	01/22/2008	03/22/2008	17	RYAN DAVIDSON	121 EAST 36TH STREET GARDEN CITY ID

County : BLAINE

Generated By : HSCHIERS

Voter ID	Name	Residence Address	Precinct	Status	Signature Date	Page No	Seq No
003810681	BRADISH, ANN, M	417 N 1ST AVE, HAILEY 83333	007	Accepted	01/21/2008	1	5
003807635	CHRISTIAN, THOMAS, CLAY	451 WEST MEADOW DR, HAILEY 83333	007	Accepted	01/21/2008	2	2
010081671	KASHINO, AQUILA	207 GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	5
003800573	KASHINO, ELLEN, COLEEN	204 E GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	8
003801679	KASHINO, MARK, EDWARD	204 E GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	9
003803225	KJESBO, KARY, L	1730 NORTHRIDGE DR, HAILEY 83333	007	Accepted	01/21/2008	1	13
003810823	KOPP, FRANZ, A	630 N 3RD AVE, HAILEY 83333	007	Accepted	01/22/2008	1	16
003802740	PLOWMAN, GREGORY, W	430 NORTHSTAR DR, HAILEY 83333	007	Accepted	01/21/2008	1	1
003802739	PLOWMAN, PAMELA, RAE	111 E MYRTLE ST, HAILEY 83333	007	Accepted	01/21/2008	1	2
003803273	SKAHILL, DENNIS, M	320 N 2ND AVE, HAILEY 83333	007	Accepted	01/21/2008	2	7
003802639	SKAHILL, MARIE, CAROL	320 N 2ND AVE, HAILEY 83333	007	Accepted	01/21/2008	2	6
003802794	WESTON, DOUGLAS, W	111 E MYRTLE ST, HAILEY 83333	007	Accepted	01/21/2008	1	3
003802289	ALMQUIST, KURT, STEVEN	2321 MOONLIGHT DR, HAILEY 83333	008	Accepted	01/21/2008	2	4
003801819	DAILEY, JACK, R	2951 BEAVER BROOK DR, HAILEY 83333	008	Accepted	01/21/2008	1	7
003803618	HAUPT, JAMES, ERLAND	1574 BALDY VIEW DR, HAILEY 83333	008	Accepted	01/21/2008	1	14
010049853	KHALSA, GURUMUKH, KAUR	1011 ANTELOPE DR, HAILEY 83333	008	Accepted	01/21/2008	4	1
003807519	LISTON, NANCY	951 SILVERSTONE DR, HAILEY 83333	008	Accepted	01/21/2008	1	10
003802214	LITTLEFIELD, SUSAN	1440 BALDY VIEW DR, HAILEY 83333	008	Accepted	01/21/2008	3	1
010050981	MCILHANEY, JASON	1011 ANTELOPE DR, HAILEY 83333	008	Accepted	01/21/2008	4	2
003806233	ERVIN, MARK, HOYNE	880 DEERFIELD DR, HAILEY 83333	14	Accepted	01/21/2008	1	9

Total Accepted : 20

County : BLAINE

Generated By : HSCHIERS

Voter ID	Name	Residence Address	Precinct	Status	Cancellation Reason	Signature Date	Page No	Seq No
000919624	LITTLEFIELD, LUCAS, ANTHONY	2921 BUTTERFLY DR, HAILEY 83333	008	Rejected	Address Invalid	01/21/2008	3	2

Total Rejected : 1

Total Printed : 21

RECEIVED

JAN 22 2008

INITIATIVE PETITION TO THE MAYOR AND COUNCIL
OF THE CITY OF HAILEY, IDAHO

This petition is circulated under the authority of:

THE LIBERTY LOBBY OF IDAHO
Ryan Davidson, Chairman
121 East 36th Street
Garden City, ID 83714
(208) 353-8157
Ryan.Davidson@libertynet.us
www.IdahoLibertyLobby.org

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

We, the undersigned citizens and qualified electors of the City of Hailey, respectfully demand that the following proposed ordinance, to-wit...

BY THE VOTERS OF THE CITY OF HAILEY:

AN ORDINANCE BY THE CITY OF HAILEY, A MUNICIPAL CORPORATION, PROVIDING FOR AN INDUSTRIAL HEMP POLICY OF THE CITY; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR A CITY ADVOCATE TO LOBBY OTHER BRANCHES OF GOVERNMENT FOR REFORM OF INDUSTRIAL HEMP LAWS; PROVIDING FOR A COMMUNITY OVERSIGHT COMMITTEE; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE VOTERS OF THE CITY OF HAILEY:

Section 1: TITLE

This short title of this initiative shall be and the initiative may be enacted as "The Hailey Industrial Hemp Act."

Section 2: FINDINGS

The people of Hailey, Idaho find as follows:

WHEREAS industrial hemp can be differentiated from marijuana; and

WHEREAS industrial hemp contains virtually no narcotic or intoxicating properties; and

WHEREAS the reasons for criminalizing the cultivation of industrial hemp appear to be politically motivated, with no basis in reason or logic; and

WHEREAS industrial hemp can be used to make a variety of useful products; and

WHEREAS Idaho farmers should have the right to grow industrial hemp; and

WHEREAS in 1996 the Idaho Farm Bureau voted in favor of granting Idaho farmers the right to grow industrial hemp; and

WHEREAS industrial hemp has a long and rich history in the United States as a valuable crop;

THEREFORE the people of the City of Hailey do hereby enact the following ordinance establishing the industrial hemp policy of the city.

Section 3: DEFINITIONS

“Industrial hemp” means any hemp or hemp product containing one percent or less THC.

Section 4: PURPOSE

The purpose of this initiative is:

1. To establish an official policy of the city that is favorable to the growing of industrial hemp.
2. To issue an official declaration advocating changes in Idaho State law, county ordinance, or any other applicable laws to legalize the growth and cultivation of industrial hemp.
3. To stimulate communitywide debate on a public policy issue of great importance.
4. To establish a community panel to oversee the implementation of this initiative.

Section 5: OFFICIAL POLICY

It shall be the official policy of the City of Hailey that the growth and cultivation of industrial hemp is a positive and beneficial farming activity, and that the legalization of such activity by the state and federal government is favored.

Section 6: ADVOCACY FOR LEGISLATIVE REFORM

The City of Hailey is hereby instructed to advocate by official public declaration and through its lobbyist and other city officers, for changes to state law (and laws at other levels of government as necessary) to support the goals and implementation of this ordinance. Legislative changes to be advocated should include, but are not limited to, the following:

- a) Allow for the legalization of industrial hemp by the State of Idaho;
- b) Allow each county or city to decide their own policies with regards to the farming of industrial hemp;

Additionally, the enactment of this initiative by the voters of the city shall constitute said voters' express and official desire for legislative change to the state's industrial hemp laws.

Section 7: COMMUNITY OVERSIGHT COMMITTEE

Upon enactment of this initiative, a Community Oversight Committee shall be appointed to oversee the implementation and enforcement of the Hailey Industrial Hemp Act. The Committee shall hold regular public meetings and shall solicit input and testimony from members of the public. The Committee will be composed of:

- 1 community member appointed by each member of the Hailey City Council,
- 1 community member appointed by the Mayor of Hailey,
- 1 community member appointed by the Hailey Chief of Police,
- 1 representative of the Liberty Lobby of Idaho.

Responsibilities of the seven-member Committee shall include:

- a) Ensure timely implementation of this ordinance;
- b) Make recommendations to the Hailey City Council regarding appropriate policy decisions to carry out Section 5 above;
- c) Report regularly to the Council on the implementation of this ordinance.
- d) Any other duty that the Committee deems to be in the best interest of effectuating this initiative.

The Committee shall have the power to promulgate rules and regulations not inconsistent with this initiative to govern its own conduct and public meetings.

In the event that the voters of the City of Hailey adopt more than one initiative relating to cannabis law reform that contains a provision for a Community Oversight Committee, the committees shall be consolidated for all purposes. In the event that this initiative is the only cannabis or hemp related proposal adopted by the voters, the committee shall not be formed.

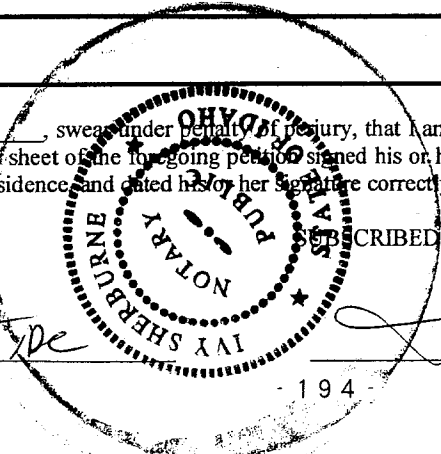
Section 8: SEVERABILITY

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

...shall be submitted to the qualified electors of the City of Hailey for their approval or rejection at an election to be called in accordance with section 50-501 (3), Idaho Code, and each for himself says: I have personally signed this petition; I am a qualified elector of the City of Hailey, my residence and post office address are correctly written after my name:

- | Signature | Printed Name | Residential Street & Number | P.O. Box and City | Date |
|------------------------|-----------------|---|--------------------|---------------|
| <i>Gregory Plowman</i> | Gregory Plowman | 430 Northstar Dr | Box 105 H. | 1/21/08 |
| <i>Pamela Plowman</i> | PAMELA Plowman | 111 E. MYRTLE ST. | HAILEY | 1/21/08 |
| <i>Doug Weston</i> | Doug Weston | 111 E. Myrtle | Hailey ID | 1/21/08 |
| <i>John Murphy</i> | JOHN MURPHY | 210 W. WALNUT ^{not registered} | HAILEY ID. | 1/21/08 |
| <i>Eric Thomas</i> | Eric Thomas | 417 1st AVE N | Hailey | 1/21/08 |
| <i>Eric Thomas</i> | Eric Thomas | 1220 Silverstar | Hailey | 1/21/08 |
| <i>Jack R. Driller</i> | Jack R. Driller | 2951 Bearbrush Dr | Hailey | 1/21/08 |
| <i>Janette Fisher</i> | Janette Fisher | 302 E. Winterberry Loop | Hailey | 1/21/08 |
| <i>Wendy</i> | Wendy | 888 Deerfield Drive | Hailey | 1/21/08 |
| <i>991 Sheraton</i> | | 129643 | Hailey | 1/21/08 |
| <i>Ruth Clark</i> | RUTH CLARK | 117 E Spruce St | POB 1862 H | 1/21/08 |
| <i>Colin Pinner</i> | Colin Pinner | 1111 BALTIC AVE | Hailey | 1/21/08 |
| <i>Kary Kesho</i> | Kary Kesho | 1730 Northside Dr. | PO 1632 | 1/21/08 |
| <i>Jim Haupt</i> | Jim Haupt | 1574 Balmey View Rd | P.O. 1086 | 1/21/08 |
| <i>Brenda Jannay</i> | Brenda Jannay | 720 Sunrise Dr | PO BOX 345 | 1/21/08 |
| <i>Franz Kupp</i> | Franz Kupp | 630 3rd St. | Box 3353 Hailey ID | 53333 1-22-08 |
| <i>Jennifer Cronin</i> | JENNIFER CRONIN | 940 FOREST BEND DR | POB 378 HAILEY | 83333 1-22-08 |
| | | | | |
| | | | | |
| | | | | |

I, DEAN RUTHERFORD, swear under penalty of perjury, that I am a resident of the State of Idaho and at least eighteen years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post-office address and residence, and dated his or her signature correctly, and that the person was eligible to sign this petition.



SUBSCRIBED AND SWORN TO before me this 21 day of January, 2008

Dean Rutherford
Signature
513 N MAIN
HAILEY

Signature Printed Name Residential Street & Number P.O. Box and City Date

OK 1. [Signature] GURMUKH KHALSA 1011 ANTELOPE, 231, HAILEY 1/21/08
OK 2. [Signature] JASON McILHANEY 1011 ANTELOPE 231 HAILEY 1/24/08

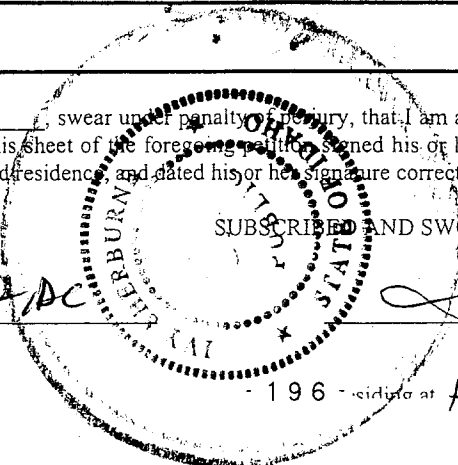
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- 19. _____
- 20. _____

I, DEAN RUTHERFORD, swear under penalty of perjury, that I am a resident of the State of Idaho and at least eighteen years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post-office address and residence, and dated his or her signature correctly, and that the person was eligible to sign this petition.

SUBSCRIBED AND SWORN TO before me this 20 day of January, 2008

[Signature] [Signature]
Signature of Circulator

ADDRESS: 513 N MAIN
HAILEY



196 - expires at Hailey IDAHO Commission Expires

SELECTION CRITERIA

If no selection is displayed, everything is selected.

Status :

Petition Selected :

Petition Code	Petition Name	Type	Status	Start Date	End Date	Lock Down Date	Signs Required	Owner Name	Owner Address
2008 HIHA	THE HAILEY INDUSTRIAL HEMP ACT	PETITION	Active	11/06/2007	01/22/2008	03/22/2008	17	RYAN DAVIDSON	121 EAST 36TH STREET GARDEN CITY ID

County : BLAINE

Generated By : HSCHIERS

Voter ID	Name	Residence Address	Precinct	Status	Signature Date	Page No	Seq No
003804208	THOMAS, ERIC, RICHARD	1220 SILVER STAR DR, HAILEY 83333	006	Accepted	01/21/2008	1	6
003810681	BRADISH, ANN, M	417 N 1ST AVE, HAILEY 83333	007	Accepted	01/21/2008	1	5
003807635	CHRISTIAN, THOMAS, CLAY	451 WEST MEADOW DR, HAILEY 83333	007	Accepted	01/21/2008	2	2
010081671	KASHINO, AQUILA	207 GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	5
003800573	KASHINO, ELLEN, COLEEN	204 E GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	8
003801679	KASHINO, MARK, EDWARD	204 E GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	9
003803225	KJESBO, KARY, L	1730 NORTHRIDGE DR, HAILEY 83333	007	Accepted	01/21/2008	1	13
003810823	KOPP, FRANZ, A	630 N 3RD AVE, HAILEY 83333	007	Accepted	01/22/2008	1	16
003802740	PLOWMAN, GREGORY, W	430 NORTHSTAR DR, HAILEY 83333	007	Accepted	01/21/2008	1	1
003802739	PLOWMAN, PAMELA, RAE	111 E MYRTLE ST, HAILEY 83333	007	Accepted	01/21/2008	1	2
003803273	SKAHILL, DENNIS, M	320 N 2ND AVE, HAILEY 83333	007	Accepted	01/21/2008	2	7
003802639	SKAHILL, MARIE, CAROL	320 N 2ND AVE, HAILEY 83333	007	Accepted	01/21/2008	2	6
013802794	WESTON, DOUGLAS, W	111 E MYRTLE ST, HAILEY 83333	007	Accepted	01/21/2008	1	3
013802289	ALMQUIST, KURT, STEVEN	2321 MOONLIGHT DR, HAILEY 83333	008	Accepted	01/21/2008	2	4
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003806233	ERVIN, MARK, HOYNE	880 DEERFIELD DR, HAILEY 83333	14	Accepted	01/21/2008	1	9

Total Accepted : 20

Total Printed : 20

RECEIVED

JAN 22 2008

INITIATIVE PETITION TO THE MAYOR AND COUNCIL
OF THE CITY OF HAILEY, IDAHO

This petition is circulated under the authority of:

THE LIBERTY LOBBY OF IDAHO
Ryan Davidson, Chairman
121 East 36th Street
Garden City, ID 83714
(208) 353-8157
Ryan.Davidson@libertynet.us
www.IdahoLibertyLobby.org

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

We, the undersigned citizens and qualified electors of the City of Hailey, respectfully demand that the following proposed ordinance, to-wit...

BY THE VOTERS OF THE CITY OF HAILEY:

AN ORDINANCE BY THE CITY OF HAILEY, A MUNICIPAL CORPORATION, PROVIDING FOR CANNABIS POLICY OF THE CITY; PROVIDING FOR THE TAXATION AND REGULATION OF CANNABIS; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR A CITY ADVOCATE TO LOBBY OTHER BRANCHES OF GOVERNMENT FOR REFORM OF CANNABIS LAWS; PROVIDING FOR A COMMUNITY OVERSIGHT COMMITTEE; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE VOTERS OF THE CITY OF HAILEY:

Section 1: TITLE

This short title of this initiative shall be and the initiative may be enacted as "The Hailey Cannabis Regulation and Revenue Ordinance."

Section 2: FINDINGS

The people of Hailey, Idaho find as follows:

WHEREAS it is a goal of the people of Hailey to keep drugs off the streets and away from children, and to eliminate the crime and violence associated with illegal drug dealing; and

WHEREAS each year Idaho spends millions of dollars enforcing marijuana laws, thereby filling local jails and prisons to capacity, and expending valuable law enforcement resources that would be better spent on fighting

violent and serious crimes; and

WHEREAS medical and governmental studies have consistently found cannabis to be less dangerous than alcohol, tobacco and other already legal drugs; and

WHEREAS controlling cannabis through legalization and regulation so that it is only sold by licensed businesses would undermine black market dealers who pay no taxes and peddle to children; and

WHEREAS in the face of the state and local budget crises, the revenues from taxing and licensing cannabis would help fund vital city services; and

WHEREAS the state of Idaho has no mandate under the Constitution to outlaw cannabis and would therefore be subordinate to the will of the people as expressed through the initiative process and guaranteed by Article One Section Two of the Idaho Constitution; and

WHEREAS in a free country, the government has no moral authority to tell a free people what they can and cannot do in the privacy of their homes;

THEREFORE the people of the City of Hailey do hereby enact the following ordinance establishing the cannabis policy of the city.

Section 3: DEFINITION

"Cannabis" means "marijuana" as currently defined in Idaho Code 37-2701(s), and includes any other variety of marijuana not enumerated therein.

Section 4: PURPOSE

The purpose of this initiative is:

1. To direct the City of Hailey to tax and regulate the sale of cannabis for adult use, so as to keep it away from children and to raise revenue for the city.
2. To mandate that no cannabis may be bought or sold within the City of Hailey unless pursuant to strict regulation and control.
3. To issue an official declaration advocating changes in Idaho State law, county ordinance, or any other applicable laws to authorize the taxation and regulation of cannabis and eliminate criminal penalties for private adult cannabis use.
4. To stimulate communitywide debate on a public policy issue of great importance.
5. To establish a community panel to oversee the implementation of this initiative.

Section 5: REGULATION

After giving due consideration to the recommendations of the Community Oversight Committee, which shall hold public meetings on the issue, the City Council of Hailey, within one year after the enactment of this initiative, shall establish a process and procedures by which to implement the licensure, taxation, and regulation of the sale of cannabis for adult use. These processes and procedures shall be enacted by the Council into

positive law and shall be codified in City Code. The duty of the City Council under this section is mandatory and shall be deemed a ministerial act. In the event that a court of competent jurisdiction declares the enacted process and procedures to be invalid for any reason, the ordinances shall remain codified in City Code; however, they shall be accompanied by the following statement:

“This ordinance has been found to be invalid by (name of court and case number). This ordinance shall remain unenforceable until the time that the Idaho Legislature changes applicable state law.”

The City Council shall enact an ordinance that includes, but is not limited to, the following provisions:

- a) The sale and distribution of cannabis to minors will be strictly prohibited, with criminal penalties attached for a violation;
- b) Driving under the influence of cannabis shall be strictly prohibited;
- c) The city shall establish a licensing system for any business that grows or sells cannabis, with regulations to assure good quality, and compliance with health and safety standards;
- d) Cannabis businesses shall be required to pay taxes and licensing fees;
- e) Onsite consumption shall be licensed so as to keep cannabis off the streets and away from children, subject to reasonable air quality standards;
- f) No cannabis sold within city limits shall be imported from out of state;
- g) Commercial growers shall obtain a license, and preference shall be given to local farmers;
- h) City officials and law enforcement are forbidden to cooperate with the Federal Government on any aspect of cannabis enforcement that could be construed to be a violation of any portion of this ordinance;
- i) Individuals who grow cannabis for personal use are prohibited from selling their product to any other individual, with criminal penalties attached for a violation.

Section 6: ADVOCACY FOR LEGISLATIVE REFORM

The City of Hailey is hereby instructed to advocate by official public declaration and through its lobbyist and other city officers, for changes to state law (and laws at other levels of government as necessary) to support the goals and implementation of this ordinance. Legislative changes to be advocated include, but are not limited to, the following:

- a) Allow for the taxation and regulation of cannabis for adults;
- b) Grant local control to cities and counties to license and regulate cannabis businesses, and collect appropriate fees and/or taxes; and
- c) End the prosecution, arrest, investigation and imprisonment for adult, private cannabis offenses.

Additionally, the enactment of this initiative by the voters of the city shall constitute said voters' express and official desire for legislative change to the state's marijuana laws.

Section 7: COMMUNITY OVERSIGHT COMMITTEE

Upon enactment of this initiative, a Community Oversight Committee shall be appointed to oversee the implementation of the Hailey Cannabis Regulation and Revenue Ordinance. The Committee shall hold regular public meetings and shall solicit input and testimony from members of the public. The Committee will be composed of:

- 1 community member appointed by each member of the Hailey City Council,
- 1 community member appointed by the Mayor of Hailey,
- 1 community member appointed by the Hailey Chief of Police,
- 1 representative of the Liberty Lobby of Idaho.

Responsibilities of the seven-member Committee shall include:

- a) Ensure timely implementation of this ordinance;
- b) Make recommendations to the Hailey City Council regarding appropriate regulations, in accordance with Section 5 above;
- c) Oversee the disbursement of revenues generated through the sale of cannabis by licensed cannabis businesses to ensure that funds go to vital city services such as education, public transportation, and rehabilitation programs;
- d) Examine ways that personal taxes could be reduced in light of the additional revenue generated by this ordinance; and
- e) Report regularly to the Council on the implementation of this ordinance.

The Committee shall have the power to promulgate rules and regulations not inconsistent with this initiative to govern its own conduct and public meetings.

In the event that the voters of the City of Hailey adopt more than one initiative relating to cannabis law reform that contains a provision for a Community Oversight Committee, the committees shall be consolidated for all purposes.

Section 8: SEVERABILITY

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

...shall be submitted to the qualified electors of the City of Hailey for their approval or rejection at an election to be called in accordance with section 50-501 (3), Idaho Code, and each for himself says: I have personally signed this petition; I am a qualified elector of the City of Hailey, my residence and post office address are correctly written after my name:

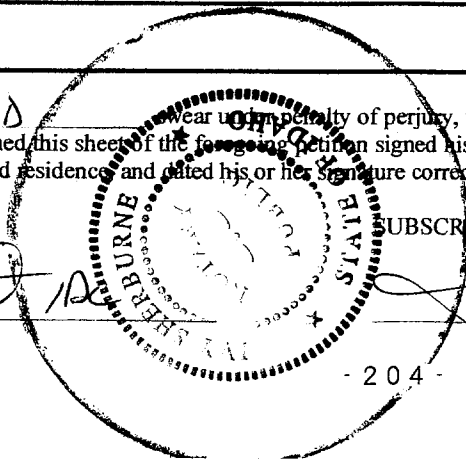
Signature Printed Name Residential Street & Number P.O. Box and City Date

- 1. *Gregory Plowman* Gregory Plowman 430 North star dr. Box 105 H. 1/21/08
- 2. *PAMERA PLOWMAN* PAMERA PLOWMAN 111 E. MYRTLE ST. HAILEY 1/21/08
- 3. *Doug Weston* Doug Weston 111 E. Myrtle St. Hailey 1/21/08
- 4. *Jordan Murphy* Jordan Murphy 200 W. WALNUT HAILEY ID *not reg*
- 5. *Bradi* 417 1st Ave N Hailey ID Hailey ID
- 6.
- 7. *Mc Don* 2557 *this one is actually okay* *Hailey* 1/21/08 *OK*
- 8. *Danette Fisher* 302 E Winteherry Loop *registered address* *different* 1/21/08 *not reg*
- 9. *Wendy* 880 Deerfield Dr. Hailey 1/21/08
- 10. *Liston* 991 Silverstone 3043 hailey 1/21/08
- 11. *Ruth Clark* RUTH CLARK 117 E SPURCE ST POB 1862 H 1/21/08 *Registered/Address in Bell* *not reg*
- 12. *Calvin* 111 BALDWIN VIEW DR. 1/21/08 *not found* *not reg*
- 13. *Kary Kesho* Kary Kesho 1730 Northside Dr. P.O. 632 1/21/08
- 14. *Jim Hsupt* Jim Hsupt 1574 BERRY VIEW P.O. 1086 1/21/08 *not found*
- 15. *Jenny* Jenny 720 Sunrise Dr 1/21/08 *not found*
- 16. *Franz Kapp* Franz Kapp 630 3rd St. Box 353 Hailey ID 3933 1-22-08 *not registered*
- 17. *JENNIFER BOND* JENNIFER BOND 940 FOXES BEND DR. BOX 3768 HAILEY ID 83333 1-22-08 *not registered*
- 18.
- 19.
- 20.

I, DEAN RUTHERFORD swear upon penalty of perjury, that I am a resident of the State of Idaho and at least eighteen years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post-office address and residence, and dated his or her signature correctly, and that the person was eligible to sign this petition.

SUBSCRIBED AND SWORN TO before me this 22 day of January, 2008

Dean Rutherford
519 N MAIN
HAILEY



J. Rutherford

Signature Printed Name Residential Street & Number P.O. Box and City Date

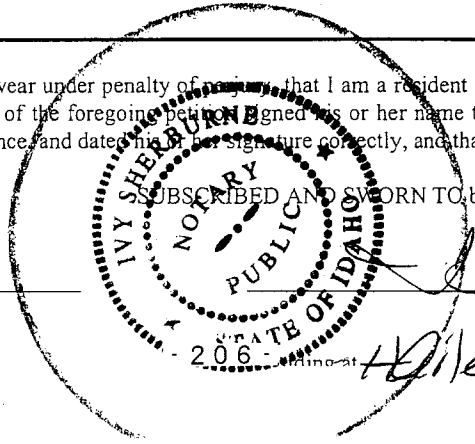
OK Manjinder Debe GURMUKH KHALSA 1011 ANTELOPE, 231, HAILEY 1/21/08

OK JM JASON MELHANEY 1011 ANTELOPE 231 HAILEY 1/21/08

- 3.
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- 20.

I, DEAN RUTHERFORD, swear under penalty of perjury, that I am a resident of the State of Idaho and at least eighteen years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post-office address and residence, and dated his or her signature correctly, and that the person was eligible to sign this petition.

Dean Rutherford
Signature of Circulator



ADDRESS: 513 N MAIN
HAILEY

Manjinder Debe
Signature of Signatory

IDAHO Commission Expires

SELECTION CRITERIA

If no selection is displayed, everything is selected.

Status :

Petition Selected :

Petition Code	Petition Name	Type	Status	Start Date	End Date	Lock Down Date	Signs Required	Owner Name	Owner Address
2008 HCCRO	THE HAILEY CANNABIS REGULATION AND REVENUE ORDINANCE	PETITION	Active	11/06/2007	01/22/2008	03/22/2008	17	RYAN DAVIDSON	121 EAST 36TH STREET GARDEN CITY ID

County : BLAINE

Generated By : JBAILEY

Voter ID	Name	Residence Address	Precinct	Status	Signature Date	Page No	Seq No
003802289	ALMQUIST, KURT, STEVEN	2321 MOONLIGHT DR, HAILEY 83333	008	Accepted	01/21/2008	2	4
003810681	BRADISH, ANN, M	417 N 1ST AVE, HAILEY 83333	007	Accepted	01/21/2008	1	5
003807635	CHRISTIAN, THOMAS, CLAY	451 WEST MEADOW DR, HAILEY 83333	007	Accepted	01/21/2008	2	2
003801819	DAILEY, JACK, R	2951 BEAVER BROOK DR, HAILEY 83333	008	Accepted	01/21/2008	1	7
003806233	ERVIN, MARK, HOYNE	880 DEERFIELD DR, HAILEY 83333	14	Accepted	01/21/2008	1	9
003803618	HAUPT, JAMES, ERLAND	1574 BALDY VIEW DR, HAILEY 83333	008	Accepted	01/21/2008	1	14
010081671	KASHINO, AQUILA	207 GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	5
003800573	KASHINO, ELLEN, COLEEN	204 E GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	8
003801679	KASHINO, MARK, EDWARD	204 E GALENA DR, HAILEY 83333	007	Accepted	01/21/2008	2	9
010049853	KHALSA, GURJUMUKH, KAUR	1011 ANTELOPE DR, HAILEY 83333	008	Accepted	01/21/2008	3	1
003803225	KJESBO, KARY, L	1730 NORTHRIDGE DR, HAILEY 83333	007	Accepted	01/21/2008	1	13
003810823	KOPP, FRANZ, A	630 N 3RD AVE, HAILEY 83333	007	Accepted	01/22/2008	1	16
003807519	LISTON, NANCY	951 SILVERSTONE DR, HAILEY 83333	008	Accepted	01/21/2008	1	10
010050981	MCILHANEY, JASON	1011 ANTELOPE DR, HAILEY 83333	008	Accepted	01/21/2008	3	2
003802740	PLOWMAN, GREGORY, W	430 NORTHSTAR DR, HAILEY 83333	007	Accepted	01/21/2008	0	0
003802739	PLOWMAN, PAMELA, RAE	111 E MYRTLE ST, HAILEY 83333	007	Accepted	01/21/2008	0	0
003803273	SKAHILL, DENNIS, M	320 N 2ND AVE, HAILEY 83333	007	Accepted	01/21/2008	2	6
003802639	SKAHILL, MARIE, CAROL	320 N 2ND AVE, HAILEY 83333	007	Accepted	01/21/2008	2	7
003802794	WESTON, DOUGLAS, W	111 E MYRTLE ST, HAILEY 83333	007	Accepted	01/21/2008	0	0

Total Accepted : 19

Total Printed : 19