



OFFICE OF THE CITY ATTORNEY
Long Beach, California

NB-19

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February 17, 2015

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution Establishing a City of Long Beach Medical Cannabis Task Force. (Citywide)

DISCUSSION

Pursuant to your request on February 10, 2015, the attached resolution has been prepared for your consideration.

SUGGESTED ACTION:

Approve recommendation.

CHARLES PARKIN, City Attorney

By


MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm

Attach.

A15-00320

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ESTABLISHING A CITY OF LONG
BEACH MEDICAL CANNABIS TASK FORCE

WHEREAS, in 1996, California voters approved Proposition 215 known as the Compassionate Use Act of 1996 (CUA) to, in part, ensure that seriously ill Californians would be able to obtain and use medical marijuana (cannabis) for medical purposes when such use is recommended by a physician;

WHEREAS, in 2004, the California Legislature enacted Senate Bill 420, known as the Medical Marijuana Program Act (MMPA) to clarify the scope of the CUA in order to promote the uniform and consistent application of the CUA, and to expand state law exemptions for qualified patients and their caregivers who use or distribute medical marijuana in a lawful manner;

WHEREAS, in February 2012, the City Council of the City of Long Beach enacted Chapter 5.89 of the Long Beach Municipal Code which prohibits the operation of dispensaries or medical marijuana cultivation sites in the City of Long Beach;

WHEREAS, in May of 2013, the California Supreme Court issued its opinion in the case of *City of Riverside v. Inland Empire Patients & Wellness Center*, which opinion upholds the right of a City or other governmental jurisdiction to adopt a ban on medical marijuana dispensaries or cultivation sites within their respective jurisdictions, but also acknowledges the right of the various municipal government bodies to adopt local regulatory ordinances related to medical marijuana operations;

WHEREAS, in September of 2013, the City Council requested the Long Beach Planning Commission and Planning Staff to undertake a study and provide a recommendation to the City Council regarding the adoption of a medical marijuana regulatory ordinance in the City of Long Beach;

1 WHEREAS; the Planning Commission of the City of Long Beach did
2 undertake the above referenced study and did conduct a series of study sessions and
3 public hearings regarding the parameters of a medical marijuana regulatory ordinance in
4 accordance with the City Council's direction;

5 WHEREAS, on October 16, 2014, the Planning Commission of the City of
6 Long Beach did adopt a recommendation and forwarded a draft medical marijuana
7 regulatory ordinance together with recommendations to the City Council for its review and
8 consideration;

9 WHEREAS, on February 10, 2015, the City Council did undertake and
10 conduct a Study Session concerning the Planning Commission's above referenced
11 recommendation regarding the parameters of an appropriate medical marijuana
12 regulatory ordinance;

13 WHEREAS, at the conclusion of the above referenced Study Session, the
14 City Council determined that it would be beneficial and appropriate for the City Council to
15 convene an ad hoc medical marijuana (cannabis) citizens "Task Force" for the purpose of
16 providing the City Council with further input and recommendations for the establishment
17 of an medical marijuana regulatory ordinance within the City of Long Beach;

18 WHEREAS, Long Beach Municipal Code section 2.18.020 provides that the
19 City Council may create and establish, from time to time, temporary committees or task
20 forces to give counsel and advice to the City Council on various matters within its
21 jurisdiction.

22 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
23 follows:

24 Section 1. The City Council hereby establishes the "City of Long Beach
25 Medical Cannabis Task Force" ("the Task Force").

26 Section 2. The Task Force shall advise the City Council on the
27 appropriate parameters of a medical marijuana regulatory ordinance for the City of Long
28 Beach, including, but not limited to, recommendations on the appropriate number and

1 locations of medical marijuana facilities citywide, operational restrictions, methodology of
2 testing to ensure safety of supply, appropriate buffers between medical marijuana
3 facilities and other sensitive land uses, appropriate advertising of facilities and products,
4 records retention requirements, auditing for the purpose of sales tax and other regulatory
5 compliance issues, the use and employment of security guards, the appropriateness of a
6 "local hire" requirement, the sale of medical marijuana in edible or liquid form, a point or
7 other system for determining permit allocation priorities, and such other matters as would
8 aid the City Council in its efforts to develop a medical marijuana regulatory ordinance.

9 Section 3. The Task Force shall consist of sixteen (16) members
10 appointed as follows: Each current Councilmember shall appoint two (2) members of
11 their choosing to the Task Force by notifying the Mayor in writing of his or her selections
12 no later than close of business February 24, 2015. The Mayor shall thereafter transmit
13 the names of the selected individuals to the City Clerk for recordation and dissemination.

14 Section 4. The Task Force shall meet as necessary and convenient in
15 accordance with the relevant provisions of the Ralph M. Brown Act in order to discuss
16 and receive public input regarding the appropriate parameters of a medical marijuana
17 regulatory ordinance for the City of Long Beach, and shall endeavor to provide its advice
18 and recommendation(s) to the City Council no later than April 21, 2015.

19 Section 5. Services of the members of the Task Force shall be voluntary
20 and members of the Task Force will serve without compensation.

21 Section 6. The Task Force shall select a Chair from among its members
22 who shall fairly chair and facilitate Task Force meetings, coordinate with City Staff to set
23 an agenda for Task Force meetings, and serve as a liaison to the City Council with
24 respect to the duties and responsibilities of the Task Force.

25 Section 7. The Task Force shall be dissolved upon the completion of the
26 objectives for which it has been created, unless otherwise directed by the City Council by
27 Resolution.

28 Section 8. This resolution shall take effect immediately upon its adoption

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1 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

2

3 I hereby certify that the foregoing resolution was adopted by the City
4 Council of the City of Long Beach at its meeting of _____, 20____, by the
5 following vote:

6

7 Ayes: Councilmembers: _____
8 _____
9 _____
10 _____

11 Noes: Councilmembers: _____
12 _____

13 Absent: Councilmembers: _____
14 _____
15 _____
16 _____

17 _____
18 City Clerk

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