



October 31, 2016

Dear Councilmembers,

I see that you are considering two urgency ordinances at your meeting tomorrow:

- 1) An Urgency Interim Ordinance establishing a 45-day city-wide moratorium on the establishment, creation or expansion of any and all commercial marijuana uses and outdoor cultivation. The Ordinance would be effective immediately upon approval through December 15, 2016, unless extended by further City Council action.
- 2) An Urgency Ordinance which expressly prohibits the smoking of marijuana in all public places and publically accessible places.

This move is quite premature, we feel, and could be damaging to the city of Davis and its residents.

First of all, state licensing for commercial cannabis businesses under Prop. 64 won't happen until late 2017 or early 2018. Secondly, I don't think I need to tell you that the outdoor planting season for marijuana and any other crop doesn't happen until springtime.

By taking this action, Davis could be exempting itself from tax proceeds that it could ultimately recoup once recreational marijuana is legally sold in California.

Section 34019 (f) (3) (C) of Prop. 64 states:

Beginning with fiscal year 2017-2018 the Department of Finance shall estimate revenues to be received pursuant to sections 34011 and 34012 and provide those estimates to the Controller no later than June 15 of each year. The Controller shall use these estimates when disbursing funds pursuant to this section. Before any funds are disbursed pursuant to subdivisions (b), (c), (d), and (e) of this section the Controller shall disburse from the Tax Fund to the appropriate account, without regard to fiscal year, the following:

Twenty percent (20%) shall be deposited into the State and Local Government Law Enforcement Account and disbursed by the Controller as follows:

*To the Board of State and Community Corrections for making grants to local governments to assist with law enforcement, fire protection, or other local programs addressing public health and safety associated with the implementation of the Control, Regulate and Tax Adult Use of Marijuana Act. **The Board shall not make any grants to local governments which have banned the cultivation, including personal cultivation under Section 11362.2(b)(3) of the Health and Safety Code, or retail sale of marijuana or marijuana products pursuant to Section 26200 of the Business and Professions Code or as otherwise provided by law.***

Section 11362.2(b)(3): Notwithstanding paragraph (3) of subdivision (a) of Section 11362.1, a city, county, or city and county may completely prohibit persons from engaging in actions and conduct under paragraph (3) of subdivision (a) of Section 11362.1 outdoors upon the grounds of a private residence.

In addition, the initiative already forbids marijuana consumption in any public place except for licensed dispensaries when authorized by local governments. "Public place" is commonly construed broadly to include any business or property that is open to the public. Also forbidden is consumption within 1,000 feet of a school or youth center while children are present, except on residential property or on licensed premises and provided the smoking is not detectable by children. (Section 11362.3(a)3).

Certainly this move would be outside the spirit of Prop. 64 and seems subversive to the will of the voters of California. Finally, after all these decades of injustice, we end cannabis prohibition in California, but the city of Davis says otherwise?

What is the big deal about a few marijuana plants in someone's yard, or a regulated market for it, including places where it could be consumed legally, as alcohol is in bars? Would you rather have marijuana stay underground for maximum impact on public safety, health and the environment?

Sincerely,

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