



**CITY OF CAMARILLO  
LEGISLATIVE COMMITTEE  
AGENDA**

**Tuesday, August 30, 2016 – 8:30 a.m.  
City Hall Administrative Conference Room  
601 Carmen Drive, Camarillo, CA 93010**

**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (805) 388-5316. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations to ensure your access to this meeting. (28 CFR 3.102.35.104 ADA Title II)

- 1. Call to Order**
- 2. Approval of Minutes for Meeting of May 9, 2016**
- 3. Public Comments**
- 4. Legislative Overview: Discussion**
- 5. Legislation for Committee Review**
  - a. Proposition 64: Adult Use of Marijuana Act
- 6. Staff Comments**
- 7. Committee Comments**
- 8. Schedule Next Meeting**
- 9. Adjournment**

Written materials related to these agenda items are available for public inspection in the Office of the City Clerk at 601 Carmen Drive, Camarillo during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. Questions may be referred to Dave Norman, City Manager, at (805) 388-5307.

**DISTRIBUTION:**

<b>Full Packet</b>		<b>Agenda &amp; Minutes</b>	<b>Agenda</b>
<b><u>Committee Members</u></b> <b>Bill Little</b> <b>Jan McDonald</b>  Dave Norman Tom Fox Roger Pichardo	Brian Pierik/Don Davis Misty Cheng Dave Klotzle Jeffrie Madland Joe Vacca Richard Petropulos Monica McGrath Counter Copy	Charlotte Craven Kevin Kildee Mike Morgan	Jill Gordon Kathy Talley City Clerk/Posting (2) League of California Cities @ <i>dmullinax@cacities.org</i>

CITY OF CAMARILLO  
LEGISLATIVE COMMITTEE

MINUTES

**Monday, May 9, 2016, at 8:30 a.m.**  
City Hall Administrative Conference Room

1. **Call to Order:** The meeting was called to order at 8:30 a.m.

Committee Members Present: Vice Mayor Jan McDonald and Councilmember Bill Little.

Staff Present: City Manager Dave Norman, Management Analyst Roger Pichardo, and Management Assistant Kathy Talley.

2. **Approval of Minutes of February 22, 2016:** Approved as presented.

3. **Public Comments:** None.

4. **Legislative Overview – Discussion**

Mr. Pichardo said the majority of the bills on today's agenda will also be included on the consent calendar at the Ventura Council of Governments meeting.

5. **Bills for Committee Review**

Mr. Pichardo presented background information with staff recommendations to the Committee on twelve bills of interest to Camarillo.

- a. **AB 806 (Dodd) (D) – Community Development: Economic Opportunity**

Mr. Norman noted that this bill gives powers to cities that used to exist through RDA except for eminent domain. In addition, the City is currently limited in its authority to grant loans through general law.

Staff Recommendation: *Support*

**Committee Recommendation: *Support***

- b. **AB 1860 (Alejo) (D) – Local Law Enforcement: Body-worn Cameras: Grant Program**

Mr. Pichardo said that money to fund this program will come from the driver training penalty assessment fund, which is currently used for high school programs. How the driver training penalty assessment fund will be backfilled remains to be determined.

Staff Recommendation: *Support*

**Committee Recommendation: *Support***

- c. **AB 1934 (Santiago) (D) – Planning and Zoning: Density Bonuses: Mixed-Use Projects**

The Committee noted that this bill takes away local control and in essence provides a double density bonus to commercial developers who partner with an affordable housing developer to construct mixed-use projects that will be located onsite.

Staff Recommendation: *Oppose*

**Committee Recommendation: *Oppose***

This bill would require local agencies to grant a density bonus to a commercial developer who agrees to partner with an affordable housing developer to construct mixed-use projects for which housing will be located onsite at the proposed commercial development, in essence providing a double density bonus.

**d. AB 2255 (Melendez) (R) – Drug and Alcohol Free Residences**

Staff Recommendation: *Watch*  
Committee Recommendation: **Watch**

**e. AB 2299 (Bloom) (D) – Land Use: Housing Second Units**

Mr. Norman said that if this bill passes, there could be a conflict with the City's R1 zoning code. Mr. Pichardo said that this bill prohibits a local agency from imposing parking standards.

Staff Recommendation: *Oppose*  
Committee Recommendation: **Oppose**

**f. AB 2403 (Bloom) (D) – Alcoholism or Drug Abuse Recovery or Treatment Facilities**

Mr. Norman said this bill would create a separating distance of 300 feet between homes, which also means that there could not be three treatment homes in a row on the same street. The City could also ask that an application be denied.

Staff Recommendation: *Support*  
Committee Recommendation: **Support**

**g. SB 868 (Jackson) (D) – State Remote Piloted Aircraft Act**

The Committee discussed the benefits of having a nuisance law on the books as people start to become harassed by drones. The City would have a tool to use if needed.

Staff Recommendation: *Support*  
Committee Recommendation: **Support**

**h. SB 885 (Wolk) (D) – Construction Contracts: Indemnity**

Mr. Norman said that this bill would shift liability away from the designer/architect back to the City.

Staff Recommendation: *Oppose*  
Committee Recommendation: **Oppose**

**i. SB 1000 (Leyva) (D) – Land Use: General Plans: Environmental Justice**

The Committee discussed how the City addresses environmental justice issues. Mr. Norman said that the Capital Improvement Program accommodates delivery of quality utilities to customers. The Committee also noted that the City considers this element as part of its policies. The Committee revised the recommendation to *Oppose*.

Staff Recommendation: *Watch*  
Committee Recommendation: **Oppose**

**j. SB 1069 (Wieckowski) (D) – Land Use: Zoning**

The Committee noted that this bill would take away local control over the approval of secondary units, i.e., "granny flats." Mr. Pichardo further noted the bill would not allow cities to implement parking standards.

Staff Recommendation: *Oppose*

**Committee Recommendation: *Oppose***

**k. SB 1170 (Wieckowski) (D) – Public Contracts: Water Pollution Prevention Plans: Delegation**

Staff Recommendation: *Oppose*

**Committee Recommendation: *Oppose***

**l. H.R. 4615 (Huffman) (D) – Water Conservation Rebate Tax Parity Act**

The Committee noted that this bill would exempt water rebates from taxation at the federal level.

Staff Recommendation: *Support*

**Committee Recommendation: *Support***

6. **Staff Comments:** Staff updated the Committee on an initiative likely to be on the November ballot that would allow recreational use of marijuana for residents 21 years and older. The measure would also enact a 15% sales tax and regulate the marijuana industry.

7. **Committee Comments:**

The Committee requested a copy of the City's policy regarding taking a position on propositions.

8. **Schedule of Next Meeting:** As needed.

9. **Adjournment:** The Committee adjourned at 9:23 a.m.



# City of Camarillo

Office of the City Manager

## MEMORANDUM

**DATE:** August 30, 2016

**TO:** Legislative Committee

**FROM:** Dave Norman, City Manager

**SUBMITTED BY:** Roger Pichardo, Management Analyst

**SUBJECT:** **Consideration of Proposition 64 – Adult Use of Marijuana Act**

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Proposition 64 seeks to legalize recreational use of marijuana for adults 21 and older. Attached is the proposed ballot initiative for committee review.

### Background

California voters were first presented with a marijuana-related ballot measure in 1972, when Proposition 19 appeared on the ballot. The proposed measure would have decriminalized marijuana use and possession for people 18 years of age or older. In 1996, California became the first state in the nation to legalize “medical marijuana” when voters approved Proposition 215. In 2010, voters were provided another opportunity to vote on the legalization of recreational marijuana with Proposition 19 (also known as the Regulate, Control & Tax Cannabis Act); however, the measure was defeated by a simple majority vote of the people.

### Proposition 64

The November 8, 2016 Statewide Ballot includes Proposition 64 titled “**Control, Regulate and Tax Adult Use of Marijuana Act**”, No.15-0103 (the Adult use of Marijuana Act). This measure, by simple majority vote of the people of the State of California, would legalize recreational use of marijuana, create a system for regulating recreational marijuana businesses, impose taxes on marijuana, and change penalties for marijuana-related crimes. In addition to a comprehensive regulatory framework in which all marijuana businesses will be overseen by designated specialized State agencies with relevant experience, Proposition 64 also includes provisions that apply to local governments. State agencies will assume an array of oversight responsibilities; however, the measure includes provisions for certain local control protections. An analysis of Proposition 64 (attached) prepared by the Legislative Analyst’s Office (LAO) concludes that “Statewide, the size of the measure’s fiscal effect could vary significantly depending on how marijuana is regulated and taxed.

### State Agencies Oversight

The state agencies responsible for regulatory oversight of recreational marijuana businesses, including their roles and responsibilities, are summarized below.

The **Bureau of Marijuana Control**, housed in the Department of Consumer Affairs, will oversee the entire system and assume responsibility for the transition to the legal market with State licenses to be issued beginning in 2018.

The **Department of Consumer Affairs** will also assume responsibility for licensing and overseeing marijuana retailers, distributors, and microbusinesses.

The **Department of Food and Agriculture** will undertake responsibility for licensing and overseeing marijuana cultivation, as well as ensuring it is environmentally friendly.

The **Department of Public Health** will take on responsibility to license and oversee manufacturing and testing, to ensure consumers receive a safe product.

The **State Board of Equalization** will be responsible for collecting the special marijuana taxes.

The **State Controller** will undertake the responsibility of allocating revenue to administer the new law and provide funds to critical investments.

Essentially, recreational marijuana businesses will be regulated similar to how the medical marijuana industry is currently regulated.

### Local Control Protections

Several provisions in this measure authorize local governments to regulate recreational marijuana businesses as outlined below:

- Local governments can “completely prohibit” any type of marijuana business without asking voters.
- Local governments can have different “standards, requirements and regulations.”
- There are no limitations on existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements.
- Local governments may adopt ordinances that establish additional standards, requirements, and regulations for local licenses and permits for commercial cannabis activity.

- Local governments can impose stricter standards, requirements, and regulations regarding health and safety, testing, security, and workers' protections, than those established by the state.
- With respect to private, non-commercial cultivation, Proposition 64 would allow local governments to "reasonably regulate" private cultivation through zoning and other local laws. Cities could ban private outdoor cultivation outright, but could not completely ban private indoor cultivation.

Despite numerous local protections afforded local governments, concerns from law enforcement and local government officials remain. The City of Ventura Chief of Police, who is also the current President of the California Police Chiefs Association, has stated publicly that he is concerned about how law enforcement officers will go about enforcing laws that prohibit motorists from driving while intoxicated, noting that unlike alcohol, there is no scientifically recognized test to administer to drivers suspected of being under the influence of marijuana. Other government officials have expressed their concerns stating that this measure is bad public policy and does nothing to preclude advertising and marketing to children and teenagers near parks, community centers and child-centric businesses. Another concern is that if Proposition 64 passes local governments may not completely prohibit indoor cultivation of marijuana inside a private residence or accessory dwelling structure to a private residence; however, an individual must be permitted to grow up to "six plants" in their home. Beyond that, possession and use of marijuana would be legal for any individual 21 years of age or older.

Proposition 64 further indicates that any local ban on outdoor cultivation would be automatically repealed if the California Attorney General determines the federal government has legalized marijuana. The wording of the initiative raises concerns in that it likely makes its application both retroactive and prospective, meaning it would preempt existing regulations if they are inconsistent and prohibit new regulations that violate its provisions.

It should also be noted that under existing City regulations, cultivation of "medical marijuana" and medical marijuana dispensaries are prohibited, but patients are still allowed to possess up to 8 ounces of marijuana with a prescription. Additionally, primary caregivers and qualified patients are allowed to obtain medical marijuana from legal dispensaries "outside" of the City limits and bring it into Camarillo.

### Taxation of Marijuana

The measure imposes new state taxes on growing and selling both medical and recreational marijuana. The new tax on growing marijuana would be based on a dollar amount per ounce, and the new excise tax would be based on the retail price of marijuana products sold, which according to the LAO could eventually result in new sales tax revenue ranging from the high hundreds of millions of dollars to over \$1 billion annually.

Most of the funds would be required to be spent for specific purposes such as youth programs, environmental protection, and law enforcement.

### RECOMMENDATION

Based on staff's review and analysis, many "unknowns" and a climate of legal uncertainty surrounding this measure remain. Additionally, the federal government considers marijuana an illegal drug, and it is classified by the U.S. Drug Enforcement Agency as an illegal, schedule 1 drug, as are heroin, LSD, methamphetamine, cocaine, and PCP. For these reasons, staff suggests the Legislative Committee review and consider making a recommendation to the City Council to take a formal position on the measure or take no action and receive and file the report.

It should be noted that City Council Policy No. 2.02 "Legislation and Legislative Matters" does not address statewide ballot initiatives, and history shows that it is atypical for the City Council to take formal positions on statewide ballot initiatives. However, the measure's provisions could have significant short and long-term direct impacts to the City and its citizens; therefore, the Legislative Committee could consider making a recommendation to the City Council to oppose the measure.

The City Attorney's office has reviewed this memo and approved as to form and content.

Staff recommends the Legislative Committee consider one of the following options for recommendation to the City Council:

1. Oppose, which means the City would be against growing, possessing, or using marijuana for recreational purposes; however, it would still be legal to grow, possess, or use marijuana for medical purposes.
2. Support, which means the City would be in favor of adults 21 years of age or older to legally grow, possess, and use marijuana for recreational purposes, with certain restrictions.
3. Take no action and receive and file the report.

### **ATTACHMENTS**

Proposition 64  
State Legislative Analyst's Office Analysis



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**REFERENCE MATERIALS – AVAILABLE FOR REVIEW AT CITY HALL**

Proposition 64  
State Legislative Analyst's Office Analysis