



RESOLUTION NO. 38318

BY REQUEST OF MAYOR STRICKLAND AND COUNCIL MEMBER WOODARDS

A RESOLUTION relating to medical cannabis; creating a Medical Cannabis Task Force through a term of February 1, 2012; authorizing the Mayor to appoint members to the Committee and to designate a chair; and authorizing the Public Safety, Human Services and Education Committee to extend the term of the Committee through August 1, 2012, if necessary.

WHEREAS, on November 3, 1998, by 59 percent of votes, Washington voters approved Initiative Measure No. 962, codified in RCW 69.51A, which created an affirmative defense to marijuana charges under state, but not federal, law, and

WHEREAS, in its 2011 City of Tacoma State Legislative Agenda, the City Council included the following: "The City supports the voter approved right for those with certain terminal or debilitating chronic conditions to obtain medical cannabis for personal use. The law and regulations are vague and confusing for patients, providers and law enforcement. The City supports changes to the law and regulations which add clarity and certainty to protect qualifying patient's safe and legal access to medical cannabis," and

WHEREAS the State Legislature and the Governor passed Engrossed Second Substitute Senate Bill 5073 ("E2SSB 5073") with modifications, including the Governor's veto of provisions directing state employees to conduct activities that could be interpreted as being in violation of federal laws, and

WHEREAS E2SSB 5073 authorizes cities to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements,



1 and business taxes on the production, processing, and dispensing of cannabis
2 within their jurisdiction, and

3 WHEREAS, at its meeting of July 28, 2011, the Public Safety, Human
4 Services and Education Committee discussed policy themes relating to medical
5 cannabis and expressed its intent to advance proposals for a moratorium and a
6 Medical Cannabis Task Force ("Task Force") focused on medical cannabis, and

7 WHEREAS, on August 2, 2011, the City passed Ordinance No. 28010,
8 adopting an emergency six-month moratorium on the establishment, location,
9 operation, licensing, permitting, maintenance, or continuation of medical
10 cannabis collective gardens or medical cannabis dispensaries, to allow time to
11 develop and adopt appropriate zoning, business licensing, health and safety, and
12 tax requirements for the production, processing, and dispensing of medical
13 cannabis, and
14

15 WHEREAS Ordinance No. 28010 directed the Planning Commission to
16 develop appropriate zoning regulations, and the City Manager to review
17 appropriate business licensing, health and safety, and tax requirements, and
18

19 WHEREAS the City Council wishes to have citizens that would be
20 impacted by future regulation appointed to a committee to provide feedback and
21 recommendations to the Planning Commission, City Manager, and City Council,
22 and
23

24 WHEREAS the Public Safety, Human Services and Education Committee
25 may, at a future date, wish to provide direction to the Task Force regarding public
26 outreach, and



1 WHEREAS, at its meeting of July 28, 2011, the Public Safety, Human
2 Services and Education Committee discussed the following policy themes that
3 should guide the work of the Task Force:

- 4 • The changes in state law are an opportunity to provide legal, safe, and
- 5 secure access to medical cannabis for patients
- 6 • Consideration of federal prohibition of marijuana
- 7 • The use and distribution of medical cannabis should be conducted in a
- 8 safe and fair manner for the health, safety, and welfare of the
- 9 community
- 10 • The policy direction of the City Council should not put City employees
- 11 at risk of violating federal prohibitions
- 12 • Single-family neighborhoods and community organizations, such as
- 13 schools and churches, should have greater insulation from the
- 14 production, processing, and dispensing of medical cannabis
- 15 • The City Council should limit the size, number, and concentration of
- 16 collective gardens
- 17 • The City should pay similar attention to community impacts and
- 18 compliance with existing laws for the provision of medical cannabis
- 19 authorization,

20 and

21 WHEREAS the City Council desires the Task Force to include, but not be
22 limited to, representatives from the following areas:

- 23 • Medical cannabis collective garden/dispensary operator
- 24 • Physician/MD/medical professional
- 25 • Neighborhood representative
- 26 • Anti-drug organization representative
- Non-profit organization serving patients with chronic illness
- Patient with a chronic illness
- Former law enforcement employee
- Private individual with legal experience
- Business community representative
- Representative of the Tacoma-Pierce County Health Department
- Community Member or Small Business Owner,

and



1 WHEREAS the City Council is delegating appointment authority and the
2 designation of the Task Force chair to the Mayor; Now, Therefore,

3 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

4 Section 1. That a Medical Cannabis Task Force is hereby created to
5 provide feedback and recommendations regarding medical cannabis regulation
6 to the Planning Commission, City Manager, and City Council, and to perform
7 public outreach at the request of the Public Safety, Human Services, and
8 Education Committee for a term through February 1, 2012, with the potential
9 extension of the term of the Committee by the Public Safety, Human Services,
10 and Education Committee through August 1, 2012.

12 Section 2. That the City Council will consider, but not be limited to,
13 representatives from the following areas to serve on the Medical Cannabis Task
14 Force:

- 15 • Medical cannabis collective garden/dispensary operator
- 16 • Physician/MD/medical professional
- 17 • Neighborhood representative
- 18 • Anti-drug organization representative
- 19 • Non-profit organization serving patients with chronic illness
- 20 • Patient with a chronic illness
- 21 • Former law enforcement employee
- 22 • Private individual with legal experience
- 23 • Business community representative
- 24 • Representative of the Tacoma-Pierce County Health Department
- 25 • Community Member or Small Business Owner.
- 26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Section 3. That the Mayor is authorized to appoint members and a Task Force Chair to the Medical Cannabis Task Force.

Adopted AUG 23 2011

Mark Jordan
Mayor

Attest:

Wendy Lewis
City Clerk *ACTING*

Approved as to form:

[Signature]
City Attorney



REQUEST FOR RECEIVED

☐ ORDINANCE ☒ RESOLUTION

Request #:

Ord./Res. #:

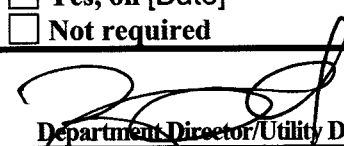
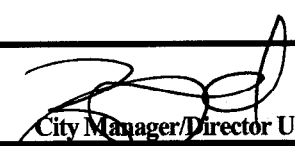
13027
38318

AUG 16 2011

1. DATE: August 12, 2011

CITY CLERK'S OFFICE

2. SPONSORED BY: COUNCIL MEMBER(S) Mayor Strickland, Council Member Woodards

3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM City Manager's Office	4a. CONTACT (for questions): Council Member Woodards	PHONE: 591-5100
3b. "DO PASS" FROM Public Safety, Human Services and Education <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> To Committee as information only <input type="checkbox"/> Did not go before a Committee	4b. Person Presenting: Council Member Woodards	PHONE: 591-5100
3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD? <input type="checkbox"/> Yes, on [Date] <input type="checkbox"/> Not required	4c. ATTORNEY: Elizabeth Pauli	PHONE: 591-5627
 Department Director/Utility Division	N / A Budget Officer/Finance Director	 City Manager/Director Utilities

5. REQUESTED COUNCIL DATE: August 23, 2011

(If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

The work of this committee is timely and will respond to the recent moratorium on medical cannabis activities in the City.

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Creating the Medical Cannabis Task Force and authorizing the Mayor to appoint its members and to designate a chair.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

Washington Voters approved Initiative Measure Number 962 by 59% of votes on November 3, 1998, which was codified in Chapter 69.51A of the RCW which created an affirmative defense to marijuana charges under state, but not federal law. In its 2011 City of Tacoma State Legislative Agenda, the City Council included the following, "The City supports the voter approved right for those with certain terminal or debilitating chronic conditions to obtain medical cannabis for personal use. The law and regulations are vague and confusing for patients, providers, and law enforcement. The City supports changes to the law and regulations which add clarity and certainty to protect qualifying patient's safe and legal access to medical cannabis." Later in 2011, the State Legislature and the Governor passed Engrossed Second Substitute Senate Bill 5073 (E2SSB 5073), though with modifications due to Governor vetoes for provision that included state employees in activities that could be interpreted as being in violation of federal laws.

On August 2, 2011, the City of Tacoma passed Ordinance No. 28010 that adopted an emergency six-month moratorium on the establishment, location, operation, licensing, permitting, maintenance or continuation of medical cannabis collective gardens or medical cannabis dispensaries to allow time to develop and adopt appropriate zoning, business licensing, health and safety, or tax requirements for the production processing, dispensing and delivery of medical cannabis. Ordinance No. 28010 directed the Planning Commission to

098

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:

13027

Ord/Res #:

38318

develop appropriate zoning regulations and the City Manager to review appropriate business licensing, health and safety, and tax requirements. Additionally, the City Council wishes to appoint a community committee to:

1. Provide balanced feedback and recommendations to the City Manager to assist City staff in developing recommendations to the City Council regarding business licensing, health and safety, and tax requirements. The committee's recommendations should be submitted to the City Manager and copied to the City Council by October 15, 2011.
2. The Committee will also have authority to provide advice and feedback to the Tacoma Planning Commission in its development of zoning or other land use recommendations as is outlined in the Planning Commission's draft Medical Cannabis Policy Development outline with the Medical Cannabis Committee's final recommendation submitted to the City Council on December 29, 2011.
3. Conduct Public Outreach at upon request of the Public Safety, Human Services, and Education Committee of the City Council.

Assuming these timelines, the term of the Medical Cannabis Committee will expire on February 1, 2012. If the Medical Cannabis Moratorium is extended or timelines around the development of Medical Cannabis regulations is altered in other ways, the Public Safety, Human Services, and Education Committee can adjust the term of the Medical Cannabis Committee through August 1, 2012.

The Medical Cannabis Task Force will contain representation to consider, and not be limited to, the following, and will be appointed by the Mayor:

- Medical Cannabis Collective Garden/ Dispensary Operator
- Physician/ MD/ Medical Professional
- Neighborhood Representative
- Anti-Drug Organization Representative
- Non-Profit Organization serving patients with Chronic Illness
- Patient with a Chronic Illness
- Former Law Enforcement Employee
- Private Individual with Legal Experience
- Business Community Representative
- Representative of the Tacoma-Pierce County Health Department
- Community Member or Small Business Owner

The Medical Cannabis Task Force should look for best practices in regulating Medical Cannabis across the nation and should ensure that any recommendation is consistent with policy themes that have been discussed by the Public Safety, Human Services, and Education Committee of the City Council, which included:

- The changes in state law are an opportunity to provide legal safe and secure access to medical cannabis for patients
- Consideration of federal prohibition of marijuana
- The use and distribution of medical cannabis should be conducted in a safe and fair manner for the health, safety and welfare of the community
- The policy direction of the City Council should not put City employees at risk of violating federal prohibitions
- Single family neighborhoods and community organizations such as schools and churches should have greater insulation from the production, processing and dispensing of medical cannabis
- The City Council should limit the size, number, and concentration of Collective Gardens
- The City should pay similar attention to community impacts and compliance with existing laws for the provision of Medical Cannabis authorization

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:

13027

Ord/Res #:

38318

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Source Documents/Backup Material	Location of Document
Draft Schedule for Planning Commission	Packet
Medical Cannabis Regulation Development	

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A. ☐ A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B. ☒ A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C. ☐ A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

[Click Here and Type or Press Delete to Clear]

11. FINANCIAL IMPACT: ☐ EXPENDITURE ☐ REVENUE

- A. ☒ NO IMPACT (NO FISCAL NOTE)
- B. ☐ YES, OVER \$100,000, Fiscal Note Attached
- C. ☐ YES, UNDER \$100,000, (NO FISCAL NOTE)

Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
---------------------	----------	---------	----------	--------------

If an expenditure, is it budgeted? ☐ Yes ☐ No Where? Cost Center:

Acct #:

Resolution No. 38318

Adopted: AUG 23 2011

Maker of Motion: WALKER

Seconded: LONERGAN

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe	✓			
Mr. Campbell	✓			
Mr. Fey	✓			
Mr. Lonergan	✓			
Mr. Manthou	✓			
Mr. Mello	✓			
Ms. Walker	✓			
Ms. Woodards	✓			
Mayor Strickland	✓			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe				
Mr. Campbell				
Mr. Fey				
Mr. Lonergan				
Mr. Manthou				
Mr. Mello				
Ms. Walker				
Ms. Woodards				
Mayor Strickland				