



Memorandum

TO: City Council
FROM: Mayor Chuck Reed
SUBJECT: MEDICAL MARIJUANA
SPECIAL MEETING
DATE: December 13, 2010

APPROVED: *Chuck Reed* **DATE:** 12/13/10

RECOMMENDATION

In order to make some progress in our special meeting regarding medical marijuana, I suggest we attempt to work through the issues by discussing and voting on the following questions:

1. Shall we implement the tax approved by Measure U?
If so, what percent?
2. Does anyone want to reconsider our principles approved March 30, 2010 (memo dated March 25, 2010 from Mayor Reed and Vice Mayor Chirco)?

Principle 1: San Jose recognizes that California law allows a patient's primary caregiver to cultivate and possess marijuana for the personal medical purposes of the patient upon the recommendation of a physician;

Principle 2: San Jose will follow the guidance of the California Attorney General and the United States Attorney General in criminal enforcement of the laws regarding medicinal use of marijuana.

Principle 4: Individuals or entities that cultivate or distribute marijuana for profit are operating illegally under state law and are illegal under San Jose Municipal Code.

3. Does anyone want to reconsider our direction to staff regarding enforcement approved June 22, 2010 (memo dated June 18, 2010 from Mayor Reed and Councilmember Oliverio)?

With regards to collectives that are currently located in San Jose, direction is given to focus enforcement on the closure of any collective that is within 500 feet from sensitive uses enumerated in the staff report and/or any collective located outside the CG Commercial General Zoning District.

4. Should we have an express ban on marijuana businesses?

5. Do we approve staff's Proposed Regulatory Framework?

Key issue areas:

Prohibition of retail sales?

Cultivation on-site or off-site?

Which zoning districts?

Number of collectives permitted?

How to select the collectives?

Access to records?

Cost recovery fee amount?

6. How do we move forward?

Implement the tax first?

Present a regulatory implementation work plan to the Rules and Open Government Committee?

Designate a Council committee for hearings and recommendations on remaining issue?