

MINUTES OF THE WILLOWS CITY COUNCIL
REGULAR MEETING HELD November 10, 2015

1. Mayor Domenighini called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Police Sergeant Carl Walter led the Pledge of Allegiance.
3. **ROLL CALL:**

<u>Present:</u>	Williams, Yoder, Mello, Hansen & Mayor Domenighini.
<u>Absent:</u>	None
4. **Agenda Review:** M/S – Yoder/Hansen to accept the November 10, 2015 Agenda as presented. The motion unanimously passed 5/0.
5. **Presentations & Proclamations:**
 - a) Police Chief Jason Dahl presented a Certificate of Achievement for 14 years of dedicated service to the Willows Police Department to Sergeant Carl Walter who has recently accepted a position with UC Davis and will be leaving the Willows Police Department.

Mayor Domenighini called for a brief recess at 7:10 p.m. in order for staff and community members to congratulate Sergeant Walters and the meeting reconvened at 7:20 a.m.
6. **Public Comment/Written Communications:** None
7. **Consent Agenda:**
M/S –Yoder/Hansen to approve the Consent Agenda as presented. The motion unanimously passed 5/0 and the following items were approved/adopted:
 - a) Approval of General Checking, Payroll Checks & Payroll Direct Deposit Registers (30200-30274; Z06774-Z06809; 34401-34432).
 - b) Approval of City Council Minutes for the Regular Meeting held on October 13, 2015.
 - c) Approval of City Council Minutes for the Special Meeting held on October 22, 2015.
8. **Public Hearings:** None
9. **Ordinances:** None.
10. **Items introduced by City Council or Administrative Staff for discussion purposes only:**

- a) **City Manager, Scott Taylor** - Review of current State Legislation and Impacts of Medical Marijuana. Staff is seeking direction as to the City Council's position and whether to place an action item on a future agenda.

The State of California has enacted legislation dating back to approximately 2007 relative to the regulation of medical marijuana. Many cities have passed local legislation regulating and/or prohibiting the cultivation of marijuana within their respective cities. Cities have also banned the sales and distribution of medical marijuana from fixed or mobile locations.

In 2009, Willows added Municipal Code Section 1.05.125 which provides "Notwithstanding any provision of this code to the contrary, any use, entitlement, authorization, license or permit allowed or issued under this code shall be consistent with applicable state and federal law."

While arguably this ordinance provides for the prohibition of any use or permit in violation of state or federal law, it does not specifically address the changes in State law at a future point. Willows has no other ordinances or regulations in place addressing medical marijuana in any capacity.

Governor Brown has recently signed into law new legislation that allows for local municipalities to regulate cultivation and delivery of medical marijuana and associated business activity. The legislation provides for a dual licensing system whereby a licensee is required to obtain a permit from the State and the City to be able to operate. Cities that lack ordinances that effectively regulate or prohibit cultivation will concede authority to the State as the sole licensing authority as of March 1, 2016. Correspondingly, if a city does not expressly prohibit delivery of medical marijuana, delivery will be allowed. The State is expected to begin issuing dispensary licenses in January 2018. Cities may limit the number of medical marijuana delivery businesses and may also tax their sales.

What the City Council needs to know about the Medical Marijuana Regulation and Safety Act is as follows:

- **Local prohibition or regulation:** Cities may prohibit or regulate medical marijuana businesses within this jurisdiction. Local authority remains intact under the new law.
- **State License required:** All medical marijuana businesses – dispensary sales, delivery service, cultivation or transport – must have a State license.
- **State License not enough:** A medical marijuana business in any city may only operate if it has permission from the State and permission from the city (dual licensing).
- **Enforcement:** Revocation of local permission to operate means a medical marijuana business must terminate operation because the new law requires dual licensing. Upon approval by the State, a city may enforce State law.

- **State law penalties for unlicensed activity:** There are civil penalties and criminal penalties for operation without a State license.

As it pertains to cultivation of medical marijuana, if the city does not have a land use ordinance in place regulating or prohibiting cultivation, either expressly or otherwise under the principles of permissive zoning, or chooses not to administer a conditional permit program, then commencing March 1, 2016, and State Department of Food and Agriculture will be the sole licensing authority for medical marijuana cultivation applicants.

As it relates to delivery of medical marijuana, if the city does not expressly prohibit the delivery of medical marijuana within its jurisdiction, delivery will be allowed (with a State dispensary license). This means that if the city wishes to prohibit the delivery of medical marijuana within its jurisdiction, the city must adopt an ordinance expressly prohibiting delivery services and mobile dispensaries.

In order to regulate and/or prohibit the cultivation and/or delivery of medical marijuana, the City would need to adopt an Ordinance or Ordinances which second reading must occur on or before January 29, 2016. If no Ordinances are adopted to regulate and/or prohibit cultivation and/or delivery of medical marijuana, the City would automatically concede its authority to State laws. What this would mean is that beyond January 29, 2016, if no Ordinances are adopted by the City, the City essentially gives up any opportunities post facto to regulate, prohibit and/or tax medical marijuana within the Willows jurisdiction.

City Staff is seeking specific Council direction whether they wish to consider implementing specific policies/ordinances given the legal and political environment of the subject, and should use this opportunity to check its policies against new State legislation.

The City Council has a few options to consider. First, they can choose to do nothing and the regulation of medical marijuana will defer to the State. This option would result in the City having no future opportunities to regulate or tax medical marijuana. Next, the Council could consider the adoption of an Ordinance to completely prohibit marijuana entirely in the City. Last, the Council could consider adopting an Ordinance which would allow the City to regulate and tax medical marijuana. If the City were to opt for the second or third option, they would need to take action very soon and an Ordinance would need to be adopted no later than January 29, 2016.

Lengthy discussion ensued among the Council, City Manager Scott Taylor, City Staff, City Attorney Bob Hunt and Glenn County District Attorney Dwayne Stewart. Vice Mayor Hansen and Mayor Domenighini both stated that their preference is that the City completely prohibits the cultivation and sale of medical marijuana in the City. Council Member Mello stated that he is not necessarily against medical marijuana use, but he has concerns about other factors that might come along with allowing cultivation and marijuana dispensaries, such as burglaries and the potential need for additional law

enforcement. He is supportive of regulating it but allowing cultivation and dispensaries only within certain zones in the City. Council Member Yoder stated that he believes that some people truly do need medical marijuana for certain ailments and diseases and he believes that for all intents and purposes, medical marijuana is already here and among us and now it should be up to the City to strictly regulate and tax it and bring in additional revenue to the City. He believes that regulations and taxation on medical marijuana would be for the greater good of the community. Police Chief Dahl stated that he is adamantly opposed to medical marijuana cultivation and dispensaries in the city and, if legal, it will likely result in difficulties and additional calls for service for law enforcement.

Extensive and copious discussions ensued regarding possible ordinance options, legal opinions, personal opinions, potential types of medical marijuana regulations in the City, possible effects on law enforcement and effects on the City's revenue stream if the City were to allow cultivation and dispensaries in the City, et cetera. Once discussions concluded, the direction of the Council was as follows:

Council directed the City Manager to contact the Mayors of each the Willows and Orland City Councils and the Chair of the Board of Supervisors in order to set up a precursory meeting to discuss this topic and develop a general idea of where each agency is currently at with regard to their ideas on regulation of medical marijuana cultivation and dispensaries. Then these three bodies can begin to pave a path to where they all ultimately desire to be as an end result on this topic. Next, Council directed the City Manager to come up with a spectrum of options/ordinances that the Council can review, discuss and consider at the December 8 meeting. These options/ordinances would be variable anywhere from if the city chose to do nothing all the way to if the city chose to strictly regulate cultivation and sales, along with any/all options/ordinances in between. The City Manager acknowledged that he would follow through on the Council's directions that they had given him.

- b. **City Manager – Scott Taylor** - The City Manager briefly updated the Council on a recent tabletop exercise known as “Operation Toxic Cloud” sponsored by the Glenn County Health & Human Services Agency – Medical Health Preparedness Program. It was a discussion-based exercise that explored response to a fixed facility hazardous chemical release and it assessed the coordinated emergency response across all SEMS levels. It was reported that this drill was designed to be a precursor to a future full-scale exercise EOC drill next November, 2016. The City Manager and Council Members acknowledged jobs well done by Police Chief Dahl and Fire Chief Wayne Peabody during this exercise.
- c. **Vice Mayor, Gary Hansen** –Vice Mayor Hansen stated that he would like to go on the record and publicly commend retiring City Manager Steve Holsinger for his exemplary service to the City of Willows over the last eight years. Although City Manager Holsinger is not in attendance at this evening's meeting, Vice Mayor Hansen wanted to commend him for his honorable service to the City of Willows during his tenure. He stated that he believes that he has served the City well in his capacity as City Manager.

11. **New Business:** None

12. **Council Member Reports:**

- Council Member Yoder stated that today is the 240th birthday of the United States Marine Corp and tomorrow is Veterans' Day.
- Mayor Domenighini reported that he attended a LAFCO meeting on Monday.
- Council Member Mello thanked the City Clerk for emailing the Council the information on the Medical Marijuana Act and notice of informational workshops.
- Vice Mayor Hansen thanked Council Members Mello and Yoder for their Military Service and wished them a Happy Veterans' Day. He also reported that he and Mayor Domenighini attended the Glenn County Association of Realtors mixer last Thursday at the Glenn Golf and Country Club.
- Mayor Domenighini inquired about the status of recruitment of filling three seats on the Planning Commission that are set to expire at the end of December. The City Clerk reported that only two applications were received for the three seats and the item would be on the agenda for appointments to be made at the December 8 City Council Meeting.

13. **Executive Session:**

PUBLIC COMMENT: Pursuant to Government Code Section 54954.3, the public was given an opportunity to directly address the legislative body on the item(s) below prior to the Council convening into Closed Session. No members of the public spoke and the council convened into Executive Session at 8:57 p.m. pursuant to California Government Code Sections 54950 et seq. to discuss the following items:

- a) **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
Pursuant to Government Code Section 54957
One Case: Kelly Kuwata v. City of Willows.
Glenn County Superior Court case no. 14CV01380

14. **Reconvene to Open Session & Report out, if any, on Closed Session:**

The Council reconvened into open session at 9:53 p.m. Mayor Domenighini stated that there was no reportable action taken.

15. **Adjournment:** Mayor Domenighini adjourned the meeting at 9:54 p.m.

Dated: November 10, 2015

NATALIE BUTLER

City Clerk

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