

Town of Corte Madera Regular

Bob Ravasio
Mayor

James Andrews
Vice Mayor

Sloan Bailey
Councilmember

Eli Beckman
Councilmember

David Kunhardt
Councilmember

Town Council



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

Todd Cusimano
Town Manager

Teresa Stricker
Town Attorney

Rebecca Vaughn
Town Clerk

Town Hall
300 Tamalpais Drive
Corte Madera, CA 94925
townofcortemadera.org

TUESDAY, MAY 7, 2019, 6:00 PM

6:00 P.M. CLOSED SESSION

- 1. CALL TO ORDER AND ROLL CALL**
- 2. PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY**
- 3. ADJOURN TO CLOSED SESSION ON THE FOLLOWING ITEM:**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Closed Session Pursuant to Cal. Gov't Code Section 54957 Title: Town Attorney

6:30 P.M. REGULAR SESSION

- 1. CALL TO ORDER, ROLL CALL AND SALUTE TO THE FLAG**

1.A. Report out of the 6:00 p.m. Closed Session

- 2. OPEN TIME FOR PUBLIC COMMENT**

At the beginning of each regular Town Council meeting, any member of the public may address the Town Council concerning any item not on the Council's agenda. Speakers will be limited to

three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer. The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the Council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.

3. PRESENTATIONS: NONE

4. CONSENT CALENDAR

The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council.

- 4.A.** Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)

- 4.B.** Adopt Resolution No. 18/2019 (1) Endorsing the Corte Madera Community Foundation's Summer Concert Series, (2) Allowing two Temporary Signs in the Public Right-of-Way from June 7, 2019 to July 21, 2019 Publicizing the Summer Concert Series at Piccolo Pavilion; and (3) Determining that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3)

Recommendation: Adopt Resolution No. 18/2019

[4.B. Staff Report and Attachments.pdf](#)

- 4.C.** Authorization to Advertise for Bids for the Parks and Recreation Administrative Office Remodel Project

Recommendation: Approve item as requested

[4.C. Staff Report and Attachments.pdf](#)

- 4.D.** Approve Resolution No. 19/2019, Awarding a Contract for Sanford at Casa Buena and Meadowsweet Traffic Congestion Relief Project, Project No. 15-015, to the Lowest Responsible Bidder, Ghilotti Brothers, Inc., for the Base Bid Amount of \$578,998 and Authorizing a 10% Contract Contingency of \$58,000 for a Total Construction Cost of \$636,998

Recommendation: Approve Resolution No. 19/2019

[4.D. Staff Report and Attachments.pdf](#)

- 4.E.** Award of Contract for Independent Audit Services to Marcello and Company, Certified Public Accountants for Three Fiscal Years Beginning 2018-2019

Recommendation: Approve item as requested

[4.E. Staff Report and Attachments.pdf](#)

- 4.F.** Approve Request for Cancellation of Town Council Meetings Scheduled for July 16, 2019 and September 3, 2019

Recommendation: Approve item as requested

[4.F. Staff Report and Attachments.pdf](#)

- 4.G.** Approval Of Necessary Funds For Interested Council Members To Attend the League Of California Cities Mayors and Council Members Executive Forum and Advanced Leadership Workshop from June 19-21, 2019 In Newport Beach, California

Recommendation: Approve item as requested

[4.G. Staff Report and Attachments.pdf](#)

- 4.H.** Approve Quarterly Investment Report for Period Ending March 31, 2019

Recommendation: Approve item as requested

[4.H. Staff Report and Attachments.pdf](#)

- 4.I.** Approval of Minutes of the April 16, 2019 Regular Town Council Meeting

Recommendation: Approve item as requested

[4.I. 041619 Draft Corte Madera Regular Town Council Minutes.pdf](#)

5. PUBLIC HEARINGS

- 5.A.** Consideration And Possible Action By The Town Council Of Corte Madera To Introduce Two Ordinances: (1) Ordinance No. 986 Amending Title 6–Health And Sanitation, Chapter 6.14-Prohibiting Smoking, And Title 9-Peace, Safety And Morals, Chapter 9.14-Controlled Substances Of The Corte Madera Municipal Code To Replace The Term “Cannabis” With “Marijuana” And Clarify The Definition Of Smoking Paraphernalia, And (2) Ordinance No. 987 Amending Title 18-Zoning Of The Corte Madera Municipal Code To Ban All Cannabis Businesses Except Cannabis Delivery Services Provided By Businesses Located Outside Of The Town, And To Regulate The Cultivation Of Cannabis For Personal Use

Recommendation: Consider introductions of Ordinance No. 986 and

6. BUSINESS ITEMS: NONE

7. TOWN MANAGER AND COUNCIL REPORTS

Town Manager Report
- Verbal update regarding Dog Park discussion at the April 22, 2019 Parks and Recreation Commission Meeting

Council Reports

8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

8.A. Review of Draft Agenda for May 21, 2019 Town Council Meeting

Recommendation: Review draft agenda and provide direction to staff
[8.A 052119 Draft TC Agenda.pdf](#)

9. ADJOURNMENT

ORDER OF BUSINESS: The Sanitary District No. 2 (SD2) meetings begin upon conclusion of the meeting of the Corte Madera Town Council. Agendas for SD2 are posted separately.

REPORTS: Town Council Staff Reports are usually available by 5:00 p.m., Friday prior to the Council Meeting, and may be obtained at the Corte Madera Town Hall, or by calling 415-927-5050. Copies of the reports relating to agenda items are available for review in the Town Clerk's Office, at the Corte Madera Library, Fire Station 13 (5600 Paradise Drive) and <https://www.townofcortemadera.org/681/Agendas-Minutes-and-Notices>. Materials related to an item on this agenda that have been submitted to the Town Council or staff after distribution of the agenda packet are available for public inspection in the Town Clerk's Office located at Town Hall, 300 Tamalpais Drive, Corte Madera, CA 94925, during normal business hours, 8 a.m. to 12 p.m. and 1 p.m. to 4 p.m.

AMERICANS WITH DISABILITIES ACT: If you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5085. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the Town may not be able to make the necessary arrangements by the time of the meeting.



NOTIFICATION LIST: To sign up to receive automatic notifications regarding meetings and agendas, please visit the Town's website at <https://www.townofcortemadera.org> and click on "Notify Me" to register, or email the Town Clerk at: rvaughn@tcmmail.org.



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: May 3, 2019
MEETING DATE: May 7, 2019

TO: Honorable Mayor and Members of the Town Council

FROM: Tracy Hegarty, Administrative Analyst, Planning & Building 
Reviewed by Phil Boyle, Senior Planner 

SUBJECT: Consideration and Possible Action to Adopt Resolution No. 18/2019 (1) Endorsing the Corte Madera Community Foundation's Summer Concert Series, (2) Allowing two Temporary Signs in the Public Right-of-Way from June 7, 2019 to July 21, 2019 Publicizing the Summer Concert Series at Piccolo Pavilion; and (3) Determining that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3)



RECOMMENDED ACTION:

Approve Resolution No. 18/2019

BACKGROUND:

This is a request from the Corte Madera Community Foundation to place two temporary banners in the public right-of-way from June 7, 2019 to July 21, 2019, publicizing the Corte Madera Community Foundation's free Summer Concert Series which will take place at Piccolo Pavilion every Sunday evening June 9, 2019 through August 25, 2019.

The Zoning Ordinance allows signs in the public right-of-way or on public property if:

- (1) They are advertising Town-sponsored or Town-endorsed events; and
- (2) If they are approved by the Town Council.

DISCUSSION:

The Corte Madera Community Foundation has requested that the Town Council endorse the Corte Madera Community Foundation Summer Concert Series at the Piccolo Pavilion, and approve temporary banner signs in two locations in the public right-of-way. The banners will be installed in the following locations as shown in Attachments A and B to the Resolution, per the

approved Banner Location Program, adopted on August 16, 2011 (Resolution No. 3672).

June 7, 2019 - July 21, 2019:

- Location #1 - On the southeast corner of Corte Madera Ave. and Redwood Ave.
- Location # 2 - On Madera Blvd. across from Safeway

The Corte Madera Community Foundation is a nonprofit volunteer-led organization whose mission focuses on promoting events, facilities, programs, and services that build community spirit, enhance Corte Madera's small-town character, and benefit the community as a whole. The Foundation's free Summer Sunday Concerts at Piccolo Pavilion in Old Corte Madera Square are one of the many events organized by the Foundation in support of this mission. The Free Summer Concert Series will be held at the Piccolo Pavilion every Sunday evening from June 9, 2019 through August 25, 2019.

FISCAL IMPACT:

The Public Works Department will install and remove the horizontal banner and the removable hardware for the Corte Madera Community Foundation. The Foundation is a volunteer-led 501(c)(3) non-profit organization. For this reason a cost recovery fee has not been charged.

ENVIRONMENTAL IMPACT:

The activity is covered by the general rule that CEQA does not apply where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment (CEQA, Article 5, Section 15061(b)(3)).

OPTIONS:

1. Approve the resolution as presented.
2. Approve the resolution with modifications.
3. Take no action at this time.

ATTACHMENTS:

1. Attachment 1, Town Council Resolution with Attachments A and B

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

RESOLUTION NO. 18/2019

A Resolution of the Town Council of the Town of Corte Madera (1) Endorsing the Corte Madera Community Foundation’s Summer Concert Series, (2) Allowing two Temporary Signs in the Public Right-of-Way from June 7, 2019 to July 21, 2019 Publicizing the Summer Concert Series at Piccolo Pavilion; and (3) Determining that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3)

WHEREAS, on February 16, 2019, the Corte Madera Community Foundation requested permission to install two temporary banner signs in the public right-of-way from June 7, 2019 to July 21, 2019, publicizing the Summer Concert Series at the Piccolo Pavilion from June 9, 2019 through August 25, 2019; and

WHEREAS, The Corte Madera Community Foundation is a nonprofit, volunteer-led organization whose mission focuses on promoting events, facilities, programs, and services that build community spirit, enhance Corte Madera’s small-town character, and benefit the community as a whole. The Foundation’s free Summer Sunday Concerts at Piccolo Pavilion in Old Corte Madera Square are one of the many events organized by the Foundation in support of this mission; and

WHEREAS, Corte Madera Municipal Code Section 18.22.050(10)(A) permits such signs with the approval of the Town Council.

NOW, THEREFORE, BE IT RESOLVED, that the Corte Madera Town Council does hereby endorse the Corte Madera Community Foundation’s Summer Concert Series and approves the request to install two 4’-tall by 7’-wide temporary banner signs as shown in Attachments A and B, subject to the following conditions:

1. The temporary banner signs are permitted to be displayed in the public right-of-way per the Banner Location Program per the following schedule:

June 7, 2019 - July 21, 2019:

- Location #1 - On the southeast corner of Corte Madera Ave. and Redwood Ave.
- Location # 2 - On Madera Blvd. across from Safeway

CALIFORNIA ENVIRONMENTAL QUALITY ACT(“CEQA”) DETERMINATION

The activity is covered by the general rule that CEQA does not apply where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment (CEQA, Article 5, Section 15061(b)(3)).

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 7th day of May 2019, by the following vote, to wit:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Bob Ravasio, Mayor

ATTEST:

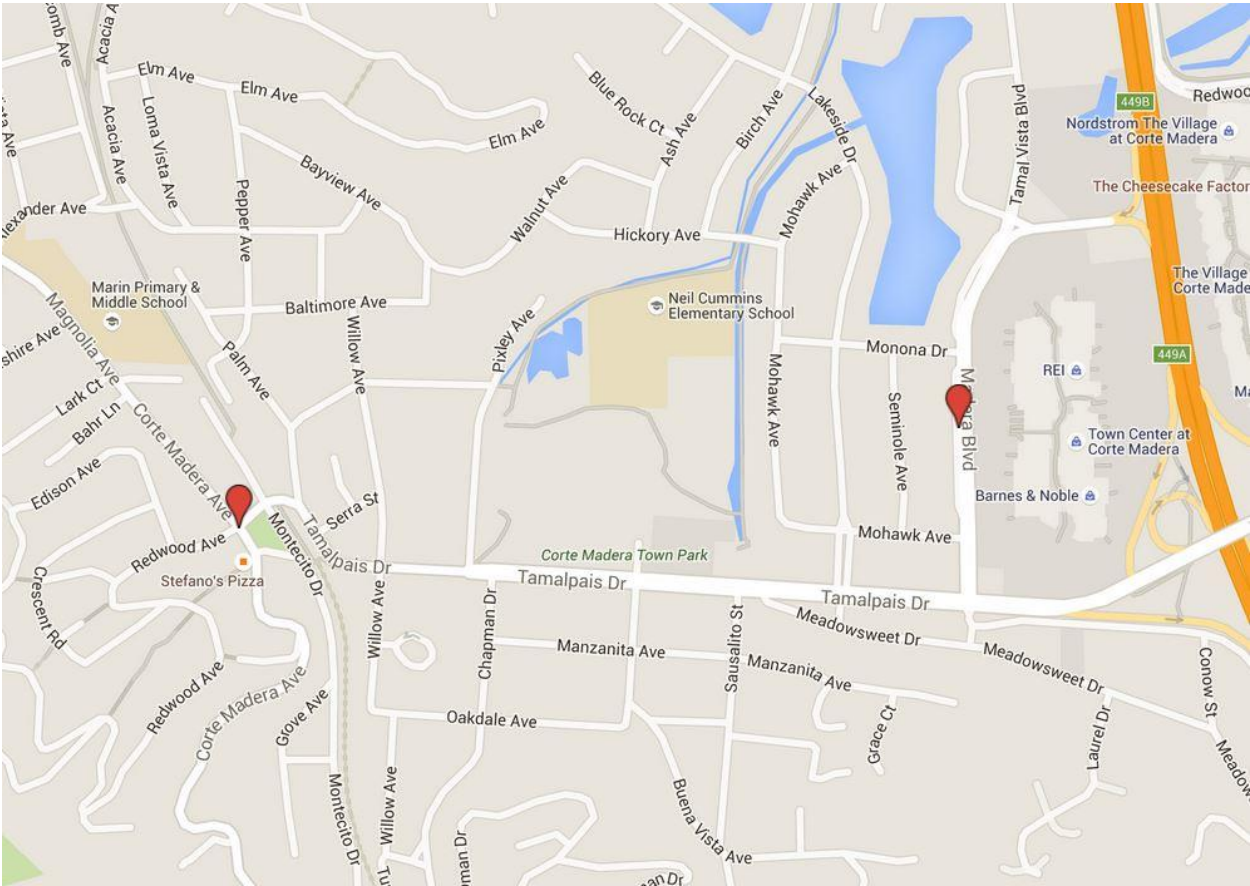
Rebecca Vaughn, Town Clerk

**ATTACHMENT A
BANNER EXAMPLE**



Example of previous banner

**ATTACHMENT B
BANNER LOCATIONS**





**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: April 17, 2019

MEETING DATE: May 7, 2019

TO: Honorable Mayor and Members of the Town Council

FROM: Mario Fiorentini, Director of Recreation and Leisure Services *mf*

Jared Barrilleaux, Senior Civil Engineer *JPB*

SUBJECT: Authorization to Advertise for Bids for the Parks and Recreation Administrative Office Remodel Project



RECOMMENDED ACTION:

Staff recommends that Town Council authorize the Public Works Director to review the Plans, Specifications, and Cost Estimate and advertise for bids for the Parks and Recreation Tenant Improvement Project.

BACKGROUND:

During the creation of the Intergenerational Center in 2018 it was necessary to move the administrative space of the current staff. Staff relocated into a space that is approximately 210 sq. ft. from the original space of approximately 730 sq. ft.

Over the past 18 months, staff evaluated numerous options for the conversion of office space. Adding an adjacent temporary building was considered, as well as relocating offices to another area in the park. Space became available in the current “green room” space as programs were downsized. The 620 sq. ft. is an ideal location for administrative office space for approximately two full-time and up to six part-time employees. This recommended location overlooks the park, it is inside the community center itself, is centrally located to current infrastructure needs, and is appropriately sized for our immediate staffing levels as well as provides space for future needs. ADA upgrades to this office space will be included as part of this project.

DISCUSSION:

The new office space would have two private offices as well as a larger shared workspace. The

main entrance will be from the Eastman Parking lot via a set of stairs that faces the east side of the building. Current windows will be lowered to provide views of the park from the office space, and the current stairs would be replaced and brought up to appropriate code requirements. The passageway from the kitchen to the green room would be closed off and the current bathroom that is in the room would be removed to create more useable square footage. New HVAC systems will be installed and additional storage would also be added.

FISCAL IMPACT:

The total estimated cost of this project is \$220,000

Estimated Expenditures:

Project Design	\$10,000
Office Construction Estimate	\$160,000
Outdoor Stairs and Entry	\$30,000
10% Construction Contingency	<u>\$20,000</u>
Total Estimated Expenditures	\$220,000

\$175,000 has been budgeted in the Recreation Capital Trust Fund in the 2018-2019 Adopted Budget for this project. Emergency replacement of the outdoor stairway has been added to this project. The approximate cost of this addition is \$30,000.

ENVIRONMENTAL IMPACT:

This activity is not defined as a project under CEQA (Section 15378 CEQA Guidelines).

OPTIONS:

1. Authorize the Public Works Director to review the Plans, Specifications, and Cost Estimate and advertise the Parks and Recreation Tenant Improvement Project for bids.
2. Modify the Plans, Specifications, and Cost Estimate based on Council input and return at a later meeting.
3. Take no action.

ATTACHMENTS:

1. Parks and Recreation Tenant Improvement Project Plans and Specifications

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

ATTACHMENT 1

Parks and Recreation Tenant Improvement Project Plans and Specifications



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: April 29, 2019
MEETING DATE: May 07, 2019

TO: Honorable Mayor and Members of the Town Council

FROM: Jared Barrilleaux, Senior Civil Engineer *JPB*

SUBJECT: Award of Contract – Sanford at Casa Buena and Meadowsweet – Traffic Congestion Relief, Project No. 15-015



RECOMMENDED ACTION:

Approve Resolution No. 19/2019 which awards the contract to the lowest responsible bidder, Ghilotti Bros., Inc., for the base bid amount of \$578,998 and authorizes a 10% contract contingency of \$58,000 for a total construction cost of \$636,998.

BACKGROUND:

On February 5, 2019 Town Council approved plans and specifications for the referenced project. This project will provide safety and circulation improvements including: relocate pedestrian crossing along Casa Buena away from intersection, increase storage for left/thru movements into the Tamalpais intersection, replace northbound Sanford vehicle traffic with a protected bike lane, and add a pedestrian safety bulb-out for crossing at Sanford/Meadowsweet. In order to accommodate these new safety improvements, five to six parking stalls will need to be removed on the south side of Sanford Drive (see Attachment 2).

The project will also provide safety improvements to nearby intersections at Conow/Casa Buena and Conow/Meadowsweet by realigning intersection sight lines (stop sign instead of yield and improved ped crossing, respectively). As part of the project, Casa Buena has poor pavement condition and will be repaved between Sanford and Conow.

DISCUSSION:

After the action by Council and during the advertising period, it was discovered by Town staff that additional ADA upgrades including a new curb ramp, and storm drainage improvements are needed

for this project. Thus, the Engineers Estimate was revised from \$549,000 to \$570,543.

On April 23, 2019, the following bids were received with a low bid amount of \$578,998.00 which is considered within the expected range:

<u>Bidders:</u>	<u>Total Base Bid Amount:</u>
Ghilotti Bros., Inc.	\$578,998.00
Team Ghilotti	\$603,360.25
Ghilotti Construction	\$636,044.00

Determination of the lowest responsible bidder was based on the Total Base Bid amounts shown above. Staff recommends awarding the contract to Ghilotti Bros., Inc. of San Rafael, CA. Staff is requesting a 10% contract contingency of \$58,000 to cover incidental changes due to unforeseen circumstances.

Furthermore, the removal of parking to accommodate the improvements was discussed several times publicly including when the project was presented at the Town's Bicycle and Pedestrian Advisory Committee. In reviewing the exhibits and discussing the trade-offs there was strong support that improvements outweighed the downsides of the parking reductions.

FISCAL IMPACT:

Construction	\$578,998
Construction Contingency (10%)	\$58,000
Construction Management & Inspection Estimate	<u>\$15,000</u>
Total Estimated Expenditures	\$651,998

While Public Works staff had originally planned on using Measure F sales tax revenue to fund this project, in consultation with the Finance Department the current recommendation is to fund \$459,000 with AB 1600 Street Impact Fee Fund, thus freeing up flexible Sales Tax funds.

The project is funded using AB 1600 Street Impact Fees (*\$459,000; 70%*) and Corte Madera Measure F Sales Tax (*\$192,998; 30%*).

On February 5th Council authorized a total of \$653,994 in sales tax funds. Instead, staff is requesting that Council allocate \$192,998 from Measure F sales tax to fully fund the project.

ENVIRONMENTAL IMPACT:

Pursuant to Section 15302 of the California Environmental Quality Act, this project is categorically exempt from the provisions of that Act.

OPTIONS:

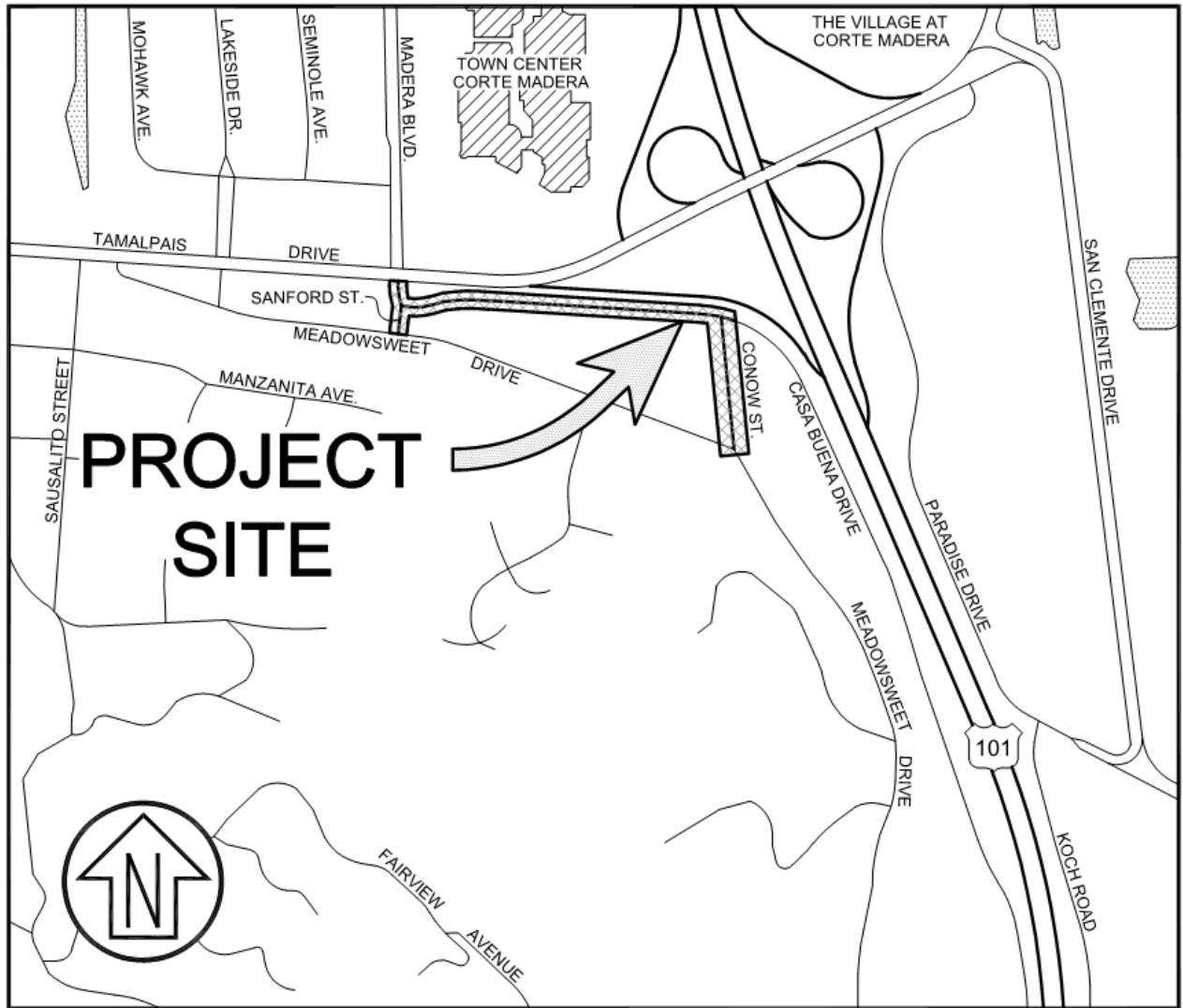
1. Approve the resolution as presented.
2. Approve the resolution with modifications.
3. Take no action at this time.

ATTACHMENTS:

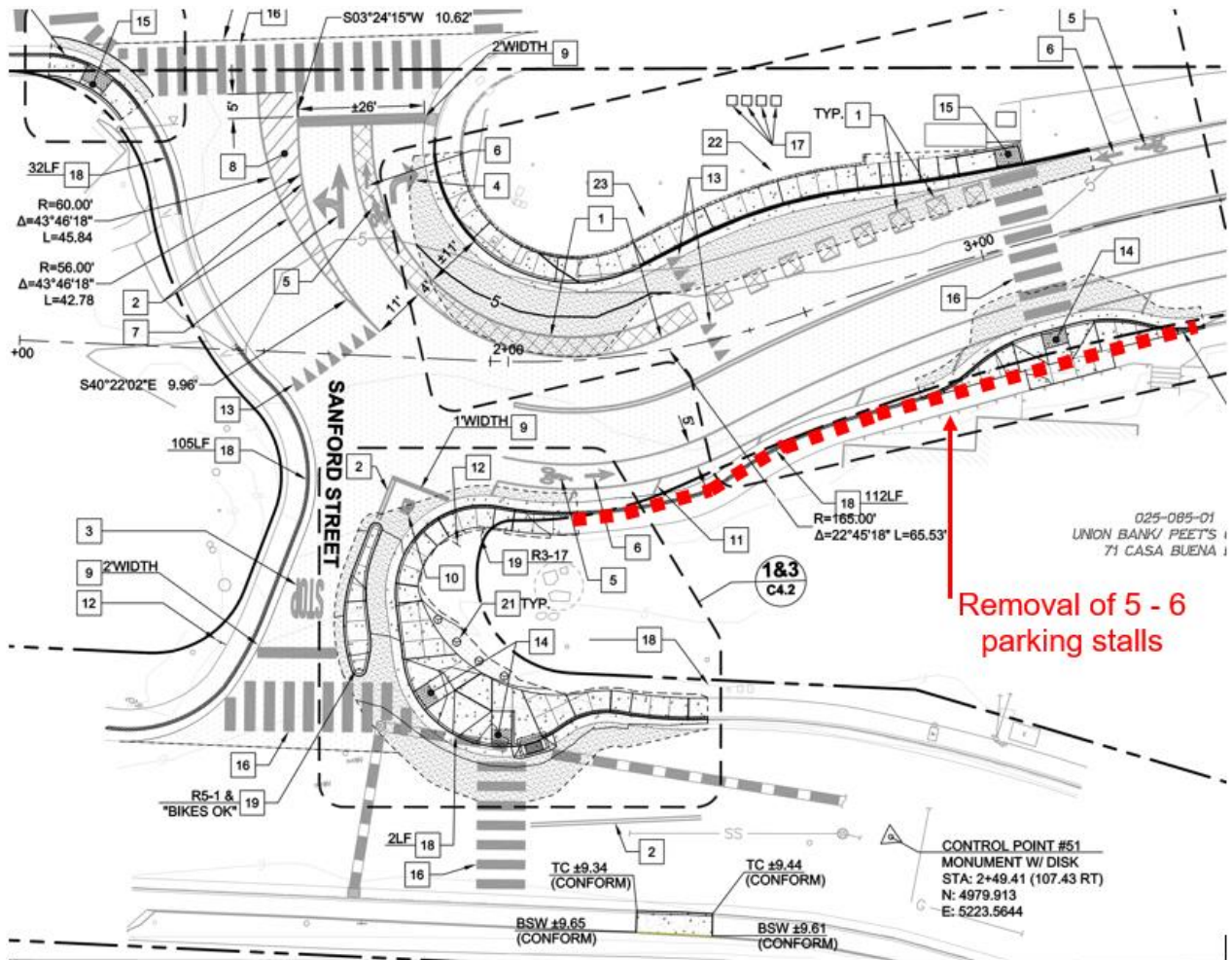
1. Location Map
2. Sanford/Casa Buena Intersection Improvements – Concepts
3. Casa Buena/Conow & Meadowsweet/Conow Intersection Improvements - Concepts
4. Memo from Parisi Transportation regarding crosswalk relocation
5. Draft Resolution No. 19/2019

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

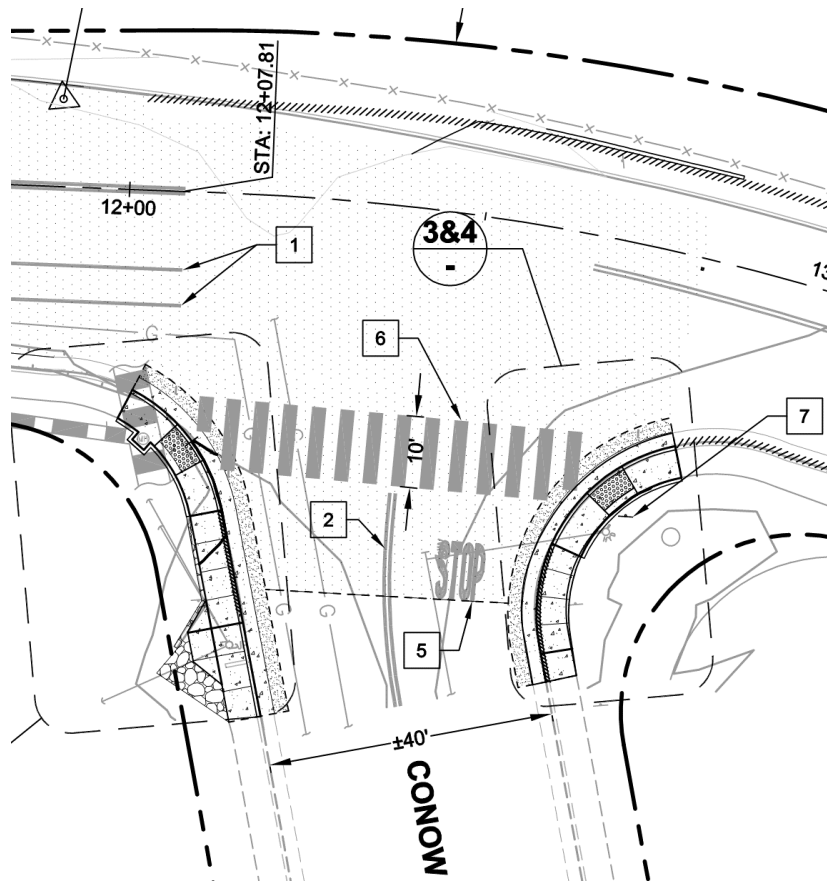
Attachment 1 – Location Map



Attachment 2 – Sanford/Casa Buena Intersection Improvements – Concepts



Attachment 3 – Casa Buena/Conow & Meadowsweet/Conow Intersection - Concepts



Attachment 4 – Memo from Parisi Transportation regarding crosswalk relocation

Memo

To: Peter Brown, Town of Corte Madera
From: Jasmine Stitt, Patrick Golier, Parisi Transportation Consulting
Date: May 2, 2019
Subject: Casa Buena Drive at Sanford Street Crosswalk Relocation

Parisi Transportation Consulting has reviewed the pedestrian accommodation across Casa Buena Drive at Sanford Street in the Town of Corte Madera. Based on our review we have recommended the relocation of the marked pedestrian crosswalk across Casa Buena Drive. This memorandum describes the rationale for the recommendation.

EXISTING CONDITIONS

Casa Buena Drive and Sanford Street is a T-intersection, though the movement between Casa Buena Drive and Sanford Street north of Casa Buena Drive is a dominant vehicular movement and is uncontrolled. The northbound approach on Sanford Street from Meadowsweet Drive is yield-controlled at the Casa Buena/Sanford intersection. Casa Buena Drive has a speed limit of 25 mph with one vehicular lane of travel in each direction. The existing pedestrian crosswalk is located on the east leg of the intersection and has a crossing distance of approximately 47 feet. Both the north and south curb ramps are not designed to current ADA standards which requires a four-foot level landing at the top of the curb ramp.

Stopping sight distance of the crosswalk for eastbound motorists that turn onto Casa Buena from the Sanford Street/Tamalpais Drive intersection is 80 feet. However, existing eastbound traffic from Sanford Street approaches the intersection at a curve and motorists could have sight lines obstructed by queued northbound vehicles at the signalized Sanford Street/Tamalpais Drive intersection, which reduces stopping sight distance of the crosswalk to 40 feet. Neither of these scenarios meet the minimum stopping sight distance standards for a 25 mph road, which is 150 feet.

The AM peak pedestrian volume of the crosswalk is 17 pedestrians and the PM peak pedestrian volume is 9 pedestrians. Pedestrians have been observed crossing east of the intersection at an unmarked crossing to access the bus stop and commercial destinations south of Casa Buena.

Figure 1 provides a view of existing conditions at the intersection.



Figure 1: Existing Conditions

FUTURE CONDITIONS

As part of the Sanford at Casa Buena and Meadowsweet Traffic Congestion Relief project, a number of safety improvements have been designed to improve the safety for those who travel along Casa Buena Drive, including through the intersection with Sanford Street. Some of these safety improvements include:

- Closure of northbound Sanford Street to vehicles from Meadowsweet Drive;
- Addition of a separate right-turn vehicle lane on westbound Casa Buena Drive at the approach to Sanford Street, providing queuing for vehicles approaching the Sanford Street intersection with Tamalpays Drive;
- Installation of a bicycle merge zone on westbound Casa Buena Drive and a bicycle lane on northbound Sanford Street at Tamalpays Drive; and
- Installation of marked Class II bicycle lanes on eastbound and westbound Casa Buena Drive

Figure 2 provides detail of the future conditions at the intersection.

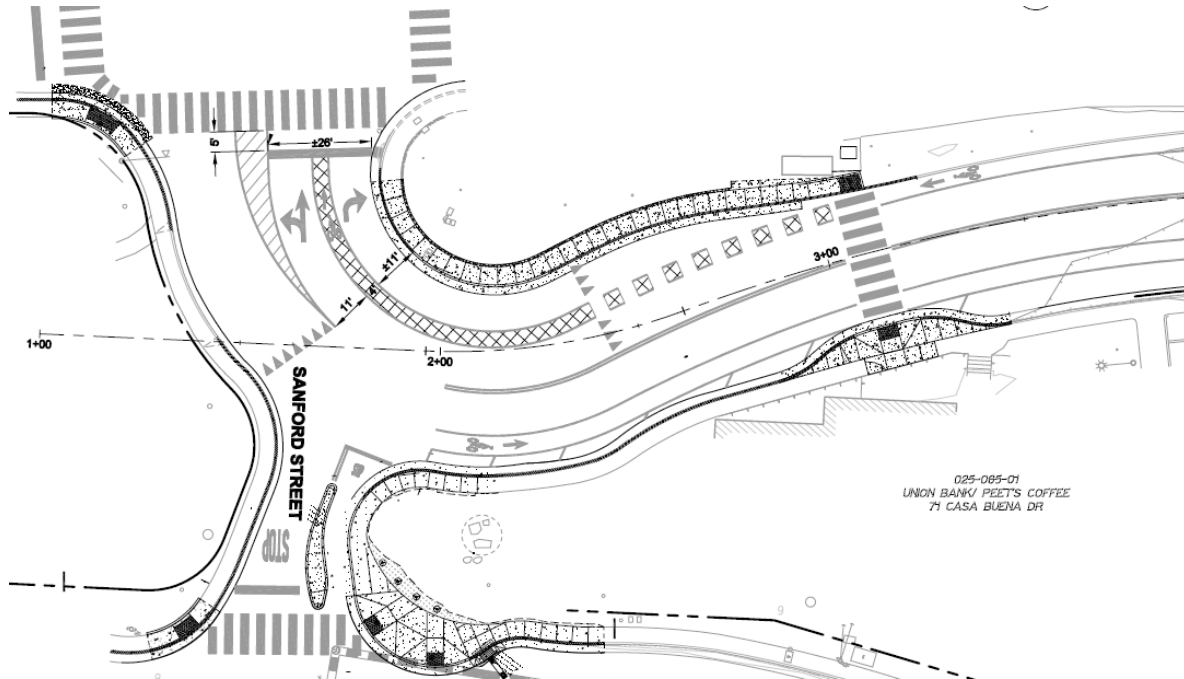


Figure 2: Future Conditions

CROSSWALK RELOCATION

As part of the safety improvements described above the existing marked crosswalk will be relocated approximately 100 feet to the east of the current location. In addition to relocating the crosswalk additional safety improvements to the pedestrian environment include:

- Removal of on-street parking for approximately 100 feet from the Sanford Street intersection;
- Construction of a sidewalk extension on the south side of Casa Buena Drive at the crosswalk which will reduce the crossing distance for pedestrians to approximately 32 feet; and
- Construction of new ADA-compliant curb ramps

The recommendation to relocate the marked crosswalk has been made in order to improve pedestrian safety and to better align with the anticipated pedestrian path of travel. Specifically, the new configuration:

- Provides greater visibility of pedestrians as drivers will be approaching the crosswalk from a straight alignment rather than at a curve. As a result the stopping sight distance

increases to approximately 150 feet from the yield limit line to the relocated crosswalk which meets minimum standards for a 25 mph road.

- Provides more storage for queued vehicles so they are less likely to block the intersection and the pedestrian path-of-travel.
- Reduces the exposure of pedestrians to vehicle conflicts by reducing the crossing distance from approximately 47 feet to approximately 32 feet and reduces the number of lanes pedestrians would cross from three lanes to two lanes.
- Better aligns with pedestrian desire lines that cross Casa Buena Drive, including the bus stop on Tamalpais Drive and commercial destinations south of Casa Buena Drive (Union Bank, Peet's Coffee, etc.).

RESOLUTION NO. 19/2019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
AWARDING A PUBLIC WORKS CONTRACT AND AUTHORIZING EXPENDITURES FOR
CONSTRUCTION OF SANFORD AT CASA BUENA AND MEADOWSWEET
TRAFFIC CONGESTION RELIEF, PROJECT NO. 15-015**



WHEREAS, the Town of Corte Madera has caused to be prepared plans and specifications for the construction of a public project entitled "Sanford at Casa Buena and Meadowsweet Traffic Congestion Relief, Project No. 15-015" (hereinafter "Project"); and

WHEREAS, the implementation of these safety improvements will require removal of five to six parking spaces, with an overall length of approximately 90 feet, on the south side of Casa Buena Drive nearest Sanford Street.

WHEREAS, the Town has called for bid proposals to construct the Project and has provided notice thereof as is required by law;

WHEREAS, the Town has received bid proposals from various bidders, and Town Public Works staff have conducted the necessary examination to determine whether one of those bidders is the lowest, responsible bidder and has made a recommendation to the Town Council that it award the contract for the construction of the Project to the entity/person whose name is described below;

WHEREAS, based on the information supplied by the bidder named below and the examination conducted by the Town Public Works staff, the Town Council finds the said bidder to be the lowest, responsible bidder for construction of the Project.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
RESOLVES AS FOLLOWS:**

1. The Town policy established by Resolution 2579, requiring that projects estimated to exceed twenty-five thousand dollars (\$25,000) in cost receive prior Council approval, is reaffirmed.
2. The recitals stated above are found to be true and correct and constitute the findings of the Town Council made in support of this resolution.
3. The contract for the construction of the Project is awarded to Ghilotti Bros., Inc. for the bid price of \$578,998.00.

4. The Town of Corte Madera is authorized to expend the sums necessary to complete said contract, in accordance with the provisions of said contract, and to draw said sums from the Town's Street Impact Fees Fund (\$459,000) and the Town's Measure F Sales Tax Fund (\$120,000 construction & \$58,000 contingency).

5. The Mayor or Town Manager is authorized and directed to execute the contract with Ghilotti Bros., Inc. in a form approved by the Town Attorney and to take all other action necessary to consummate said transaction.



I, the undersigned, hereby certify that the foregoing is a full, true and complete copy of a resolution duly passed and adopted by the Town Council of the Town of Corte Madera at a meeting thereof held on the 7th day of May, 2019, by the following vote:

Ayes, and in favor thereof, Council Members:

Noes, Councilmembers:

Abstain, Councilmembers:

Absent, Councilmembers:

Dated: May 7, 2019

Approved: _____
Bob Ravasio, Mayor

ATTEST: _____
Rebecca Vaughn, Town Clerk



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: April 15, 2019
MEETING DATE: May 7, 2019

TO: Mayor and Town Council
FROM: Daria Carrillo, Finance Director *DBC*
SUBJECT: Contract for Independent Audit Services



RECOMMENDED ACTION:

That Town Council award the contract for independent audit services to Marcello & Company, Certified Public Accountants for three fiscal years beginning 2018-2019.

BACKGROUND:

Cropper Accountancy has been conducting the Town's annual financial audit since the 2011-2012 fiscal year. Cropper Accountancy has also conducted Sanitary District No. 2 of Marin County's annual financial audit during this same time period. Sanitary District No. 2 is a subsidiary of the Town.

The California Government Code Section 12410.6 states that "a local agency shall not employ a public accounting firm to provide audit services to a local agency if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for the local agency for six consecutive fiscal years". This exception can be waived if no other auditor can be found to perform the audit services.

DISCUSSION:

An independent audit is required whenever a public agency wishes to obtain debt financing, or when an agency is a recipient of Federal grant funds. The function of the independent audit is to provide an annual review of Town funds and financial transactions in accordance with generally accepted accounting principles and with the Governmental Accounting Standards Board Statements, and to provide reasonable assurance that the Town's financial statements are free of material misstatements. The independent auditor also evaluates the Town's internal controls and compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters in accordance with Government Auditing Standards. The independent audit also increases transparency and accountability.

As mentioned above, the Town's independent auditor has been Cropper Accountancy since the

2011-2012 fiscal year. Staff has found Cropper Accountancy to be accurate and helpful.

In accordance with Government Code Section 12410.6, staff recommends changing audit firms beginning in 2018-2019. In addition to the Government code requirement, changing auditors will allow a fresh perspective on the Town's financial operations.

Marcello & Company has submitted a proposal to provide auditing services for the Town of Corte Madera, Sanitary District No. 2 of Marin County and Central Marin Fire Authority. The proposal is for three fiscal years beginning with the 2018-2019 fiscal year. The proposed cost of the audit is as follows: \$29,000 for each of the three years for the audit for the Town, \$8,500 for each of three years for the audit of Sanitary District No. 2 of Marin County, and \$8,500 for the 2018-2019 year for the audit of Central Marin Fire Authority and \$7,500 for the two subsequent years.

Cropper Accountancy's fee for the 2017-18 fiscal year audit was \$32,500. The fee for the 2017-2018 audit for the Sanitary District No 2 was \$8,500. Central Marin Fire Authority is a new agency and was not in effect prior to the current fiscal year.

Marcello & Company is the audit firm used by the Town of Tiburon and the Town of San Anselmo. Both agencies have provided very positive references. Marcello & Company has also provided a list of its current and past engagements in the attached proposal. Included in the list are sewer funds.

Based on the cost of Marcello & Company's proposal, the firm's familiarity with agencies of similar size and issues, the positive references received, and the need to contract with a new audit firm, staff recommends awarding the contract for independent audit services to Marcello & Company for three fiscal years beginning with the 2018-2019 fiscal year.

FISCAL IMPACT:

The fee for the Town audit for each of the three years beginning in 2018-2019 is \$2,500 less than the amount paid to the current Town auditor in 2016-2017. The fee for the Sanitary District is the same as the current fee.

ENVIRONMENTAL IMPACT:

This activity is not defined as a project under CEQA (Section 15378 CEQA Guidelines).

OPTIONS:

1. Award the contract as recommended
2. Take no action at this time

ATTACHMENTS:

1. Proposal to Provide Auditing Services for the Town of Corte Madera, Marcello & Company, CPAs

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

ATTACHMENT 1

Proposal to Provide Auditing Services for the Town of Corte Madera, Marcello 7
Company, CPAs

DOLLAR COST BID PROPOSAL
Summary of All-Inclusive Schedule of Professional Fees
Town of Corte Madera

Firm: Marcello & Company, CPAs

Certification: I, Ralph A. Marcello, CPA, am entitled to represent the Firm, am authorized to submit the bid and empowered to sign a contract with the Town of Corte Madera.

Ralph Marcello

Ralph A. Marcello, CPA
 Managing Director

	<u>FY</u> <u>2018-19</u>	<u>FY</u> <u>2019-20</u>	<u>FY</u> <u>2020-21</u>
<u>Financial Audit</u>			
Financial Audit of the Town (1)	\$ 24,000	\$ 24,000	\$ 24,000
GASB 68 procedures-not to exceed	2,000	2,000	2,000
GASB 75 procedures-not to exceed	2,000	2,000	2,000
<u>Agreed Upon Procedures</u>			
Preparation of the Town's draft financial (2)	1,000	1,000	1,000
<u>Out-of-Pocket Costs</u>			
Travel, lodging, report printing, etc.	<u>included</u>	<u>included</u>	<u>included</u>
Totals (4)	<u>\$ 29,000</u>	<u>\$ 29,000</u>	<u>\$ 29,000</u>
<u>Other Audit Engagements</u>			
Financial Audit of the Sanitary District	\$ 8,000	\$ 8,000	\$ 8,000
Preparation of the District's draft financial (3)	500	500	500
Totals	<u>\$ 8,500</u>	<u>\$ 8,500</u>	<u>\$ 8,500</u>
Financial Audit of the Fire Authority	\$ 8,000	\$ 7,000	\$ 7,000
Preparation of the Authority's draft financial (3)	500	500	500
Totals	<u>\$ 8,500</u>	<u>\$ 7,500</u>	<u>\$ 7,500</u>

- (1) Includes miscellaneous consulting in regards to the financial audit and telephone questions. This bid proposal does not include a Single Audit. The fee to perform a Single Audit generally ranges from \$9,000 to \$12,000 for the first major program/cluster depending on the type of grant award, compliance requirements, and number of transactions. Additional major programs/clusters generally add \$4,500 to \$6,000 per grant/cluster.
- (2) Includes one photo-ready master report and up to ten bound reports.
- (3) Includes one photo-ready master report. Bound financial statements are outsourced and generally cost \$20 to \$25 each.
- (4) This bid is to audit the Town et al, in accordance with accounting and auditing standards currently in effect at the time of this proposal. Additional or new accounting and auditing standards requiring a material increase in audit time will increase the audit fee accordingly. Additionally, this bid is subject to the Town's finance department having all accounting and finance records ready on the first day of field work, including the adjusted year end trial balance and supporting lead schedules for all the major balance sheet, revenue, and expense accounts.

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APPENDIX A

Dollar Cost Bid Proposal

APPENDIX B

External Quality Control Review (peer review)

MARCELLO & COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

Post Office Box 60127 / Sacramento, California 95860 / auditor@marcello-cpa.com

February 14, 2019

Town of Corte Madera
Attention: Ms. Daria Carrillo, Finance Director
300 Tamalpais Drive
Corte Madera, California 94925

Dear Ms. Carrillo,

Thank you for this opportunity to demonstrate why we are the best qualified firm to serve the Town of Corte Madera as its independent auditor for the fiscal years ending June 30, 2019 through June 30, 2021 with an option for two additional years.

Marcello & Company will maximize the use of audit team members who have prior governmental audit experience on this engagement. After reviewing our proposal we are sure that you will agree that Marcello & Company will provide the Town with the most efficient audit possible with a minimum disruption of your daily schedule.

This letter summarizes our understanding of the scope of services required, the expectations of the Town, and many of the reasons why Marcello & Company should be selected to serve the Town as their independent auditors.

Scope of Services

We understand that the scope of services is as follows:

- To perform an audit of the Town's basic financial statements (the Town) in accordance with generally accepted auditing standards (GAAS) in the United States as set forth by the American Institute of Certified Public Accountants (AICPA), the standards applicable to financial audits contained in the *Government Auditing Standards* issued by the Comptroller General of the United States.
- To perform an audit of the Sanitary District No. 2 of Marin County's basic financial statements (the District) in accordance with generally accepted auditing standards (GAAS) in the United States as set forth by the American Institute of Certified Public Accountants (AICPA), the standards applicable to financial audits contained in the *Government Auditing Standards* issued by the Comptroller General of the United States, and with the minimum audit requirements and reporting guidelines for California Special Districts as prescribed by the California State Controller's Office.
- To perform an audit of the Central Marin Fire Authority's basic financial statements (the Authority) in accordance with generally accepted auditing standards (GAAS) in the United States as set forth by the American Institute of Certified Public Accountants (AICPA), the standards applicable to financial audits contained in the *Government Auditing Standards* issued by the Comptroller General of the United States, and with the minimum audit requirements and reporting guidelines for California Special Districts as prescribed by the California State Controller's Office.

Town of Corte Madera
February 14, 2019

- To issue an independent auditor's opinion on the fair presentation of the Town, the District, and the Authority's basic financial statements in conformity with generally accepted accounting principles (GAAP), and with the Governmental Accounting Standards Board Statements (GASB).
- To test internal controls over financial reporting and compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters, in accordance with *Government Auditing Standards*.
- To apply limited procedures related to the Town, the District, and the Authority's Required Supplementary Information (RSI), Management's Discussion and Analysis (MD&A), and Other Supplementary Information.
- To draft the Town, the District, and the Authority's financial statements in accordance with Financial Reporting Standards of the GASB based upon the Town's accounting records, as an *agreed upon procedure*; however the audit firm will not make management decisions concerning these financial statements.
- To issue a report to the Town Council in accordance with Statement on Auditing Standards (SAS) Statement No. 114 that includes recommendations for improvements in internal control, accounting procedures and other significant observations that are considered to be non-reportable conditions, as applicable.
- To make an immediate, written report of all reportable conditions, irregularities and illegal acts or indications of illegal acts of which we become aware to the Town Manager.

Marcello & Company is the Best Firm for the Town of Corte Madera

Our goal is to provide you with solid reasons for selecting Marcello & Company to serve as your Independent Auditors.

Communication Open and honest communication is vital to any business relationship. Communication begins with the process of listening to you, the client, and then providing you with timely reports and thorough management or recommendation letters. At the beginning of each year's audit we discuss with the appropriate officials the general financial condition of the Town, your concerns and expectations about the audit, and the status of any prior year's auditor recommendations. At the conclusion of field work, we meet with the appropriate officials to discuss the status of the audit, and any audit findings or recommendations we can offer. Our purpose in making these suggestions is to help you accomplish your operational objectives, which often result in cost savings.

Quality and Efficiency We are not the largest public accounting firm in California, but our experience offers the Town significant benefits. We are a 100% audit firm specializing in auditing California Cities and Towns, Special Districts and Authorities, and entities that receive federal grant awards. This experience and the related understanding of your operations permit us to design, perform, and complete engagements for you effectively and at a reasonable cost.

Town of Corte Madera
February 14, 2019

Priority Client The Town of Corte Madera will be a priority client of our firm. We are committed to perform all work within the stated time frame.

I represent Marcello & Company CPAs in all matters concerning the audit engagement, and am authorized to bind Marcello & Company in a contract with the Town. You can reach me at the contact information indicated on the cover page or at telephone (916) 704-6003.

The all-inclusive fee is based upon a number of factors including past experience, our knowledge of the Town of Corte Madera based upon discussions with your Finance Director, internet search, scope of the engagement, and the amount of assistance to be provided by the Town's staff. Our proposal is a firm offer made under current accounting and auditing standards in effective as of the date of this letter.

It is our desire to provide a full range of professional services to the Town of Corte Madera and we believe there are many items in this proposal which distinguish us from other firms that you will be considering. We will be glad to talk with you and the Town officials to elaborate upon our credentials and our commitment to serve the Town.

Sincerely,

MARCELLO & COMPANY
Certified Public Accountants

By: *Ralph Marcello*

Ralph A. Marcello, CPA
Managing Director

Independence

The firm meets the independence requirements of the *Government Auditing Standards* (yellow book), published by the Comptroller General of the United States. We are independent with respect to the Town of Corte Madera. Our policy on independence states that no partner or staff member may own securities of any client or be related to any client's employee who is in a position to influence the financial statements.

Prior Engagements

Marcello & Company CPAs has not had prior engagements with the Town of Corte Madera.

Commitments to Staff Continuity

Although we are a fairly new CPA firm established in 2008, Ralph Marcello and Don Cole have worked together for over ten years. Ralph Marcello will be the *in-charge* for the audit.

Complaints

No complaints have been filed against any firm members in the past.

Audit Workpapers

Auditor prepared workpapers and related audit reports will be kept for a minimum of five (5) years at the expense of the audit firm, and will be made available to the Town or its agent upon request.

Client Assistance

We will provide you with a schedule of requested documents before we start audit fieldwork. This schedule will list original documents we will want to examine, and supporting documents such as invoices, and copies of documents we would like you to prepare for us.

Peer Review

A copy of our December 31, 2016 External Quality Control Review (peer review) is attached as Appendix B.

License to Practice in California

The firm and all assigned key professional staff are properly licensed to practice public accounting in California.

Insurance

The firm will maintain adequate professional liability insurance during the entire term of this engagement.

Qualifications and Experience

Ralph A. Marcello

Ralph is the firm's Managing Director with over thirty years of professional experience including special district and authority audits, municipal audits, nonprofit organization audits, HUD audits, DSS/foster family agency and group home audits, SEC audits, construction audits, automobile dealership audits, college audits, DRE/homeowner association audits, and two employment positions as a chief financial officer. His most recent government audit resume includes auditing the Carmel Area Wastewater Authority (sewer fund), the CAWD/Pebble Beach Community Services District Wastewater Reclamation Project (reclamation fund), the Cities of Trinidad (water fund), Plymouth (water and sewer funds), Scotts Valley (sewer fund), and Orland (water and sewer funds). Other governmental audit experience includes several Single Audits, the Lakeport Municipal Sewer Authority, Marina Coast Water District, Tri-Dam Power Authority, and the Tri-Dam Project. Additional audit experience includes audits of the California Forestry Association, the California Parks & Recreation Society, the Theatre for Children (B Street Theatre), the Society of California Accountants, and the California Municipal Utilities Association.

Ralph is a graduate of California State University, Sacramento, earning a Bachelor of Science degree in Accounting and has been a California licensed Certified Public Accountant since 1981. Continuing education requirements for GAO *yellow book* have been met. He has been a guest lecturer at CSUS for their upper division "Government and Nonprofit Organization" accounting class, an instructor/author for the California CPA Education Foundation, served on the Board of Directors for the Leland Meadow Water District for seven years, and is a member of the California State CPA Society's "Governmental Accounting and Auditing Committee" which helps write new GASB's, GAAS's, White Papers, and works with the State Controller Office, CalPERS, the AICPA, the GASB, and the State Department of Finance in implementing new policies, procedures, and standards. Additionally he recently completed an adjunct professor position at the William Jessup University teaching an upper division auditing class.

Donald Cole

Don is an Audit Manager with over twenty years of professional experience including managing municipal audit engagements of the Cities of Mammoth Lakes, Marina, Gustine, San Anselmo, Scotts Valley, and Tiburon. His special district audit experience includes the Nevada Irrigation District, Fair Oaks Recreation and Park District, and the Fort Ord Reuse Authority. Don is a graduate of California State University, East Bay, and is a Certified Public Accountant. Continuing education requirements for GAO *yellow book* have been met.

Gregory M. Kaeser

Greg is the firm's Audit and Electronic Data Processing expert consultant. His extensive computer skills and analytical abilities have been utilized in connection with engagements with the California Assembly Rules Committee, Santa Clara County Transportation Agency, California State Lottery, California State Board of Barbering and Cosmetology, Sacramento Housing and Redevelopment Agency, and the annual financial audits for the Counties of Butte and Tuolumne, and the City of Vacaville. He has also conducted data processing reviews consistent with the audit standards specified in Statement on Auditing Standards (SAS) Numbers 48 and 70. These entities include the Counties of San Mateo, Ventura, Napa, Tuolumne, and Butte as well as the Cities of Los Angeles, Modesto, Pleasanton, Simi Valley, and Antioch. Greg is a graduate of the University of Santa Clara, earning Bachelor of Science degrees in both commerce and finance, and is a California licensed Certified Public Accountant.

Similar Current Engagements

Carmel Area Wastewater District

Scope of Engagement - audit of financial statements

Date - fiscal years ended June 30, 2008-2010, extended annually to June 30, 2019

Engagement Manager - Ralph Marcello

Total Hours - 175

Principal Contact - Mr. Jim Grover (831) 624-1248

Email - grover@cawd.org

Address: Post Office Box 221428, Carmel, CA 93922

City of Trinidad (includes water fund)

Scope of Engagement - audit of financial statements

Date - fiscal years ended June 30, 2003-2005, extended annually to June 30, 2019

Engagement Manager - Ralph Marcello

Total Hours - 160

Principal Contact - Mr. Gabriel Adams, City Clerk (707) 677-0223

Email - cityclerk@trinidad.ca.gov

Address: Post Office Box 390, Trinidad, CA 95570

City of Scotts Valley (includes sewer fund)

Scope of Engagement - audit of financial statements

Date - fiscal years ended June 30, 2004-2008, and 2014-2018

Engagement Manager - Ralph Marcello

Total Hours - 175

Principal Contact - Ms. Laurie Grundy, finance manager (831) 440-5614

Email - lgrundy@scottsvalley.org

Address: One Civic Center Drive, Scotts Valley, CA 95066

City of Plymouth (includes water and sewer funds)

Scope of Engagement - audit of financial statements and single audit

Date - fiscal years ended June 30, 1996-1998, June 30, 2004-2008, extended annually to June 30, 2019

Engagement Manager - Ralph Marcello

Total Hours - 225

Principal Contact - Mr. Jeff Gardner, former City Manager/Finance Director (916) 921-0500

Email - jmgcpa@att.net

Current and Past Engagements

Arcade Creek Recreation and Park District - Audit
Boys and Girls Clubs of Greater Sacramento, Inc. - Financial and Single Audits
BRCO - 401(k) Audit

California Parks & Recreation Society - Audit
California Forestry Association - Audit
California Library Association - Audit
California Municipal Utilities Association - Audit

Child Abuse Prevention Council of Placer County - Financial and Single Audits
Carmel Area Wastewater District- Audit
Carmichael Recreation and Park District - Audit
CAWD/Pebble Beach CSD Reclamation Project - Audit

City of Grass Valley - City Audits
City of Gridley - City Audit
City of Gustine - City and Single Audits
City of Lone - City and Single Audits

City of Lakeport - City and Sewer Authority Audits, Agreed Upon Procedures for TOT Revenue
City of Los Banos - City and Single Audits
City of Marina - City and Single Audits, Agreed Upon Procedures for TOT Revenue and Variable
Waste Can Study

City of Mammoth Lakes - City and Single Audits, Agreed Upon Procedures for Voter-approved
Tax Revenue Compliance, Airport PFC Audits
City of Modesto - Due Diligence Procedures engagement (private water company acquisition)
City of Orland - City and Single Audits

City of Plymouth - City and Single Audits
City of Portola Valley - City, TDA and Single Audits
City of Scotts Valley - City (CAFR) and Single Audits, GFOA certificate assistance

City of Sutter Creek - City Audit
City of Tiburon - City Audit
City of Trinidad - City Audit
City of Wheatland - City Audit

County of Butte - County and Single Audits
County of Tuolumne - County, Single, TDA, and Hospital Audits
Crossroads Treatment Center - DSS Audit

Del Webb Sun City Roseville - DRE/HOA Audit
Evergreen Convalescent Hospital - 401(k) Audit
Fair Oaks Recreation and Park District - Audit

Families for Children Foster Family & Adoption Agency - DSS and Single Audits
Financing Authority for Resource Efficiency of California - Audit
Friends of the River Foundation - Audit

Gramercy Court Convalescent Hospital - HUD and 401(k) Audits
Greenhaven Nursing Facility - Audit

Lakeside Mortgage - SEC Audit
Marina Coast Water District - Audit (CAFR), and GFOA certificate assistance
Mortgage Brokers Acceptance Corporation - HUD Audit

Nepenthean Homes - DSS Audit
Nevada Irrigation District - Audit
Nevada Power Authority - Audit

Pacific Crest Trail Association - Audit
Peabody's Coffee Inc. - SEC Audit
Peninsula Place - DRE/HOA Audit

Roseville Chamber of Commerce - Audit
Rudolf Steiner College - Audit
Rutherford Institute - Audit

Saint Francis Home for Children FFA - DSS Audit
Saint John Hospital - Audit
Sierra Sacramento Valley EMS Agency - Audit
Sierra WES - 401(k) Audit

Society of California Accountants - Audit
Somerset Nursing Center - HUD Audit
Somerset Hills - CHFA Audit
State Water Contractors - Audit

Theatre for Children (B Street Theatre) - Audit
Tri-Dam Project - Audit
Tri-Dam Power Authority - Audit

Western Center for Law & Religious Liberty - Audit
Western Mobile Home Association - Audit
Women's Civic Improvement Club of Sacramento, Inc. - Financial and Single Audits

Development of our Audit Plan and Approach

Marcello & Company's staff members have performed hundreds of audits throughout the State. Every organization and thus every audit have certain common characteristics yet each has its own unique qualities as well. For a CPA firm to meet the needs and expectations of such a diverse group of clients, its approach must be flexible and tailored to the individual circumstances. It must consider not only the specific characteristics of the organization, but also the operating environment and other external factors that impact the organization. Marcello & Company uses such an approach, and it has been tailored to meet the particular needs of governmental entities.

Our approach to service is based on a thorough, up-to-date understanding of our client's operating environment. We want to understand your concerns, needs, expectations, and plans for the future. We can obtain this understanding by frequent communications with officials and by detailed analysis of the internal and external environment in which you operate. With this knowledge, we are in a position to design and tailor an audit approach that includes the most effective and efficient combination of tests responsive to your circumstances.

In determining the appropriate nature, timing and extent of audit procedures in a given area or account, most accounting firms refer to materiality. In fact, virtually all decisions concerning audit efforts are based on materiality. The Marcello & Company approach recognizes that other factors should be considered in determining the appropriate mix of audit procedures. We consider these other factors through a formal analysis of risk - that is, we evaluate the probability that a material error could occur with a specific account or transaction. By considering both materiality and risk, we audit what is important and only what is important - we avoid both over auditing and under auditing.

In evaluating risk, our analysis is based on our knowledge and assessment of:

1. Internal and external conditions surrounding the Town and the environment in which you operate.
2. The effectiveness of your accounting and reporting systems.
3. Trends and relationships of significant financial and operating data.

This formal approach to the evaluation of risk, together with materiality considerations, enables us to develop an audit approach that is tailored to the Town's needs and expectations and is both efficient and cost-effective.

Our approach divides all audits into three phases - initial planning (phase 1), program development (phase 2), and program execution (phase 3). During the initial planning phase, we obtain an understanding of the environment in which you operate, and we review current developments and both financial and operating trends. An overall audit plan is the end product of our initial planning.

In the program development phase, we document and obtain an understanding of your accounting systems. We do this phase by taking a "businessman's perspective" of what is important and how well control systems are operating. We then perform detail analytical reviews of accounts and transactions so that we can assess the risk of material error, and thus determine the appropriate audit procedures.

In the final phase of our approach - the program execution phase - we perform our detail tests of balances and transactions, and we consider the results of our tests and evaluate the sufficiency of our audit approach.

Although our approach appears as three distinct steps or phases, it is really an evolutionary process that builds on itself. Throughout our examination as we learn more about the years under audit, we challenge our procedures to ensure they are appropriate for your particular organization.

Phase 1 - Initial Planning

The first goal during the initial planning phase of our approach is to update our understanding of the external and internal environments in which the Town operates. Following are some of the factors we consider:

External Environment

- Legal Requirements
- Reporting Obligations
- Economic Environment

Internal Environment

Definition of the Reporting Entity	Organizational Charts
Operating Characteristics	Operating Budget
Organization Manuals and Programs	Investment Policy
Administration and Financial Characteristics	Accounting Records
Other Management Information Systems	

Our evaluation of the control environment enables us to have expectations about the effectiveness of accounting systems throughout the period we are auditing. To aid in this evaluation, we utilize a *Government Environment Questionnaire* which provides us with important information about the organization, statutory requirements, reporting entity, financial reporting practices, auditing functions, intergovernmental relationships, personnel policies, etc.

Following this assessment, we review and analyze current and expected developments and trends to assess potential changes in risk. Any changes in risk alert us to consider that the preliminary audit plan should be reviewed and challenged for continuing effectiveness. We identify changes in your operations through our continuing discussions with Town officials and by reviewing your interim and/or year-end operating and financial results.

Our initial planning phase provides us with a detailed assessment of environmental and operating conditions currently affecting the Town. We combine this assessment with the evaluation of internal controls, and analytical review procedures performed in the program development phase to provide the basis for determining the nature, timing, and extent of audit procedures for specific transactions and accounts.

Phase 2 - Program Development

The primary purpose of this phase of our audit approach is to assess the likelihood of material errors in the accounts and transactions and to determine the most effective and cost-efficient mix of audit procedures.

The first step in this process is to obtain an understanding of the accounting system and to document and evaluate it. In reviewing accounting systems we take a "businessman's perspective" - that is, we are *objectives-oriented* as opposed to the more traditional *procedures-oriented*. We focus on whether certain control objectives are being met - not whether certain control procedures are in place. For example if a Town Manager (an authorized check signer) gives the finance director (who is not a check signer) 10 pre-signed checks before the manager departs on vacation, the *control procedure* has been met, but the *control objective* has not been met. Our approach to evaluating accounting systems is thus responsive to the individual characteristics and strengths of a given system.

We next perform detailed analytical reviews of selected accounts and transactions to obtain an understanding of current operations. This knowledge, plus our understanding of the accounting system and the internal and external environments, constitutes the inputs to our formal risk analysis.

By evaluating both risk and materiality we are then in a position to select the nature, timing, and extent of audit procedures that are most appropriate for your organization. Our goal in selecting procedures is to:

1. Avoid audit procedures for areas in which the risk of material error is negligible.
2. Avoid redundant audit procedures.
3. Use audit procedures that accomplish more than one purpose.
4. Provide a complete audit program for all important financial statement amounts.
5. Maximize the use of analytical procedures and other advanced audit techniques.

Phase 3 - Program Execution

This phase of our audit consists of performing the procedures outlined in the audit program and reviewing and evaluating the results. For some organizations we perform interim audit testing close to your fiscal year end and perform additional audit testing after year end.

Tests of controls and transactions should provide evidence that the accounting system is functioning as designed. Testing significant transactions can provide evidence that material errors or irregularities have or have not occurred, and also whether related account balances are free of material error or misstatement.

We then perform further direct tests of balances. Direct tests of balances include year end analytical procedures to confirm that the elements of the system that we planned to rely on have produced the expected amounts (i.e., the numbers make sense) and to identify specific transactions or accounts that may require more audit support.

The *Marcello & Company Audit Approach* means efficient and effective auditing. By directly linking environmental factors, analytical procedures, and internal control reviews, we are then able to determine the most efficient combination of tests that will be responsive to the identified risks. The benefit to the Town is that every audit procedure has a specific purpose that is related to the Town's circumstances (nothing is "routine" and hence potentially unnecessary). Therefore, you have greater assurance that all important risks are not overlooked because risk is formally, rather than informally, assessed.

Required industry standard and audit practice is to obtain representations concerning specific matters from the officials responsible for those matters, commonly called the *Management Representations Letter*. Written representations have several advantages; (1) they confirm in writing the understanding between the auditor and the client, thus minimizing the possibility of misunderstanding; (2) they provide a written record as to the matters covered; and (3) they tend to remind the client that the financial statements are primarily the client's responsibility.

In this connection, we will request a representation letter from appropriate officials as of the date of our Independent Auditor's Report on the Town's financial statements. In general, this representation letter will ask these officials to represent that to the best of their knowledge and belief all material direct liabilities, claims, contractual obligations, commitments, and pledged assets are disclosed in the financial statements and that significant events since the date of the financial statements are disclosed. We will provide the Town officials with a pro forma representation letter in advance in order to assist them in complying with our request.

Anticipated Potential Audit Issues and Resolutions

We do not anticipate audit issues for our audit of the fiscal year ending June 30, 2019. However, should issues arise; we will discuss them with the supervisor of the department where the conflict arises, and move up the "chain of command" until we reach a resolution. As an example, historically the most common audit issue we've observed in small cities and towns has been the lack of supporting invoices and documentation to substantiate the value of capital assets purchased 50 to 100 years ago. Real estate acquisition values can often be provided by County Assessors while the historic costs of water and sewer enterprise fund capital assets is generally the same in most cities and towns. The water tower purchased by the City of Gustine in 1915 cost \$16,000, while the water tower purchased by the City of Orland in 1919 cost \$17,000. Both cities provided us with supporting documentation, which we've used to estimate the cost of similar capital assets in other cities and towns.

In the event that an issue occurs that cannot allow us to independently issue an unqualified opinion, we will issue a qualified opinion describing the issue that causes us to qualify our opinion. In the event that we cannot issue a financial statement because of certain unresolved issues or scope limitations, we will consider disclaiming our opinion.

Some matters may not affect the opinion in the financial statements, but we will report them to you. Such matters include, but are not limited to, reportable conditions such as significant deficiencies in the design or operation of the internal control structure. Other agreed-upon conditions and material weaknesses will be reported to you, and we will help resolve these situations to your benefit.

If we become aware of any irregularities, fraud or illegal acts, we shall promptly notify appropriate officials above the level of involvement. The Town, in turn, shall promptly notify the cognizant agency or appropriate department of the irregularities, fraud or illegal acts and of the Town's proposed and or actual actions, if any. Irregularities, fraud or illegal acts include such matters as conflicts of interest, falsification of records or reports, misappropriation of funds or assets, or other such similar matters.

In every situation where a potential audit problem arises, we will do our best to solve it immediately with the least amount of disruption to the Town's staff and routine.

Timing

- | | | |
|---|---|------------------------------------|
| 1 | Pre-Audit Conference | July - August |
| 2 | Phase 1 - Initial Planning | July - August |
| 3 | Phase 2 - Program Development / Audit Plan | August - September |
| 4 | Phase 3 - Program Execution / Audit fieldwork: | |
| | Sewer District Audit, Fire Authority Audit | August |
| | Town Audit | November |
| 5 | Exit Conference | last day of fieldwork |
| 6 | Deliver draft financial reports | 45 days after the end of fieldwork |
| 7 | Deliver final bound financial statement reports | December - January |

APPENDIX A

**MARCELLO & COMPANY, CPAS
DOLLAR COST BID PROPOSAL**

APPENDIX B

**MARCELLO & COMPANY, CPAS
EXTERNAL QUALITY CONTROL REVIEW
(Peer Review)**



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Report on the Firm's System of Quality Control

June 5, 2017

To Marcello & Company, CPAs and the Peer Review
Committee of the California Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Marcello & Company, CPAs (the firm) in effect for the year ended December 31, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Marcello & Company, CPAs in effect for the year ended December 31, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Marcello & Company, CPAs has received a peer review rating of *pass*.

Coughlan Napa CPA Company, Inc.

Coughlan Napa CPA Company, Inc.



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: May 1, 2019
MEETING DATE: May 7, 2019

TO: Honorable Mayor and Members of the Town Council

FROM: Rebecca Vaughn, Town Clerk / Assistant to the Town Manager *RV*

SUBJECT: Request for Cancellation of the July 16, 2019 and September 3, 2019 Regular Town Council Meetings



RECOMMENDED ACTION:

Approve request for cancellation of the July 16, 2019 and September 3, 2019 regular Town Council meetings.

BACKGROUND:

In past years, it has been the practice of the Town Council to cancel one or more meetings during the summer months when holidays and/or anticipated staff absences impact either the production or posting of the Council agenda or attendance at the Town Council meeting.

At this time, staff proposes maintaining the regularly scheduled July 2, 2019 Town Council meeting, as that meeting will be needed in order to provide the Town Council the opportunity to reorganize and select a new Mayor and Vice Mayor. Staff recommends cancellation of the July 16, 2019 Town Council meeting, and also the September 3, 2019 Town Council meeting, which immediately follows the Labor Day holiday.

FISCAL IMPACT:

This item does not have any fiscal impact.

ENVIRONMENTAL IMPACT:

This activity is not defined as a project under CEQA (Section 15378 CEQA Guidelines).

OPTIONS:

1. Approve cancellation of the July 16, 2019 and September 3, 2019 regular Town Council meetings without rescheduling the meetings to alternate dates.
2. Discuss and possibly approve cancellation of either or both of the meetings and approve the scheduling of a special meeting(s) in place of the cancelled meetings to take place on an alternate date(s).
3. Take no action at this time.

ATTACHMENTS: None

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: May 1, 2019
MEETING DATE: May 7, 2019

TO: Honorable Mayor and Members of the Town Council

FROM: Rebecca Vaughn, Town Clerk/Assistant to the Town Manager *RV*

SUBJECT: Approval Of Necessary Funds For Interested Council Members To Attend the League Of California Cities Mayors and Council Members Executive Forum and Advanced Leadership Workshop from June 19-21, 2019 In Newport Beach, California



RECOMMENDED ACTION:

That the Town Council approve the attendance of Councilmember Eli Beckman, and any interested Councilmembers at the League of California Cities Mayors and Council Members Executive Forum and Advanced Leadership Workshop June 19-21, 2019 In Newport Beach, California, and authorize necessary funds to attend the training.

BACKGROUND:

On April 6, 2006, the Town Council adopted Resolution 3435, adopting a travel and reimbursement policy pursuant to AB 1234.

Stated in that resolution is the requirement that prior Town Council approval is needed for items such as expenses exceeding \$300.00 per trip, or any travel and stay exceeding 72 hours. As attendance at the League of California Cities Mayors and Council Members Executive Forum and Advanced Leadership Workshop will exceed the stated expense limit, approval is requested.

DISCUSSION:

At this time, Councilmember Eli Beckman has requested to attend the Executive Forum and the Advanced Leadership Workshop, which will be held in Newport Beach, CA from June 19-21, 2019. Upon approval of this request, any interested Councilmembers are welcome to register to attend the training and request reimbursement for expenses related to registration and lodging for

participation in the training.

FISCAL IMPACT:

The full conference registration fee is \$375 per person for the Executive Forum and \$195 per person for the Advanced Leadership Workshop for attendees from member cities who register before May 28, 2019. The cost of airfare, lodging, including taxes and fees, is expected to cost approximately \$750.

ENVIRONMENTAL IMPACT:

This activity is not defined as a project under CEQA (Section 15378 CEQA Guidelines).

OPTIONS:

1. Approve Councilmember attendance at the Mayors and Council Members Executive Forum and Advanced Leadership Workshop and reimbursement for expenses related to attendance at the Academy.
2. Take no action at this time and provide further direction to staff.

ATTACHMENTS:

1. Resolution No. 3435
2. Mayors and Council Members Executive Forum and Advanced Leadership Workshop Brochures

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

ATTACHMENT 1

Resolution No. 3435

RESOLUTION NO. 3435

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
ADOPTING A TRAVEL AND REIMBURSEMENT POLICY
PURSUANT TO AB 1234

WHEREAS, AB 1234 became effective January 1, 2006, and requires the adoption of a travel and expense reimbursement policy as a condition precedent to the Town's reimbursement of expenses incurred by a Council member on or after January 1, 2006; and

WHEREAS, the Council determines it is in the best interest of the Town to provide the Council and the citizens of the Town clear standards and criteria to govern the circumstances under which Councilmembers are entitled to be reimbursed for Town expenses properly incurred by the Councilmember's:

NOW, THEREFORE, THE TOWN COUNCIL FOR THE TOWN OF CORTE MADERA RESOLVES:

1. That the Travel and reimbursement Policy attached hereto as Exhibit A is hereby approved and adopted.
2. The Town Manger is directed to forthwith prepare the necessary expense report forms said policy required Councilmember's to use in seeking reimbursement pursuant to said policy.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of the Town of Corte Madera, Marin County, California, at a regular meeting hereof, held on the 4th day of April, 2006, by the following vote, to wit:

AYES: Council Members Condon, Dupar, Gill, Lappert

NOES: Council Members - None -

ABSTAIN: Council Members - None -

ABSENT: Council Members Yang


Christine Green, Town Clerk


Melissa Gill, Vice Mayor

2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
4. Except for cultural events that are provided as part of and cannot be segregated from the cost or charge for an expense that is otherwise reimbursable under this policy, entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
6. Personal losses incurred while on Town business. Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

B. COST CONTROL

To conserve Town resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Town will be limited to the costs that fall within the guidelines.

1. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

a. Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

b. Automobile. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (*see* www.irs.gov). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.

c. Car Rental. Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

d. Taxis/Shuttles. Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

2. Lodging

Lodging expenses will be reimbursed or paid for when travel on official Town business reasonably requires an overnight stay. If travel is out of the State of California, a written report shall be submitted with the expense report. The written report must state the purpose of the trip and any and all observations and/or knowledge acquired that may be of value to the citizens of the Town of Corte Madera.

a. Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.

b. Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates (set forth in IRS Publications 463 and/or 1542) for a given area are presumed reasonable and hence reimbursable.

3. Meals

Meal expenses and associated gratuities will be reimbursed at the following rates:

Breakfast	\$15
Lunch	\$25
Dinner	\$50

The Town will not pay for alcohol/personal bar expenses. If an event includes alcohol, the City shall reimburse only that portion of the expenses for said event that do not include charges for alcohol. Any expenses exceeding the above rate shall be submitted to the Town Council by the Council member after the expense is incurred and upon the Council member's return from the event for consideration of reimbursement, accompanied by the proper receipts for the actual costs.

4. Telephone/Fax/Cellular

Officials will be reimbursed for actual telephone and fax expenses incurred on Town

business. Telephone bills documenting the charges sought to be reimbursed must be submitted along with the appropriate expense report form (see ¶D below). Telephone bills shall identify which calls were made on Town business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official is permitted to identify the percentage of calls made on public business in lieu of identifying specific Town business calls.

5. **Airport Parking**

Long-term parking must be used for travel exceeding 24 hours.

6. **Other**

Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed.

7. **Reimbursement by Another Agency**

Expenses for which Town officials receive reimbursement from another agency are not reimbursable.

C. **CASH ADVANCE POLICY**

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the Town's behalf. Such request for an advance should be submitted to the Town Manager ten (10) days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. The benefits of such expenditure to the residents of Town;
3. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
4. The dates of the expenditure(s).

Any unused advance must be returned to the Town treasury within two (2) business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the Town Manager is uncertain as to whether a request complies with this policy, such individual must seek resolution from the Town governing board.

D. **EXPENSE REPORTS**

All cash advance expenditures and expense reimbursement requests must be submitted on an

expense report form provided by the Town. This form shall include the following advisory:

All expenses reported on this form must comply with the Town's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the Town's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.

Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the Town's adopted legislative positions and priorities.

Officials must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

All expenses are subject to verification that they comply with this policy.

At the next Town Council meeting, each official shall briefly report on meetings attended at Town expense. If multiple officials attended, a joint report may be made.

E. COMPLIANCE WITH LAWS

Town officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All city expenditures are public records subject to disclosure under the Public Records Act and any other relevant law.

F. VIOLATIONS OF THIS POLICY

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the Town, 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

ATTACHMENT 2

Mayors and Council Members Executive Forum Brochure
Advanced Leadership Workshops Brochure

MAYORS & COUNCIL MEMBERS Executive Forum

JUNE 19-20, 2019

NEWPORT BEACH MARRIOTT

REGISTER EARLY! Space limited to the first 400 registrants.



Sacramento San Diego San Jose Benicia Los Angeles Santa Barbara San Francisco Stockton Marysville Sonoma Oakland Santa Clara Crescent
City Alameda Placerate San Luis Obispo Ukiah Nevada City Yreka Arcata Petaluma Temecula Santa Cruz Ventura Healdsburg Redwood
City Santa Rosa Watsonville Vallejo Colusa Susan City San Bernardino Monterey Trinidad Woodland Chico Antioch Cloverdale Fort
Jones San Leandro Napa Hollister San Rafael Visalia Salinas Wheatland Ukiah Hayward Anaheim St. Helena Red Bluff Martinez
Livermore Etna Dixon Berkeley Sonoma Riverside Modesto Fresno Calistoga Willows Pasadena Santa Monica
National City Reading Menlo Park South Pasadena Torrance Lake Elsinore San Jacinto Lakeside Auburn Compton Oceanside
Lodi Escondido Jolito Redlands Rio Vista Maricopa Pacific Grove Fort Bragg Monterey Lodi San Gabriel Hanford Ontario
Redondo Beach Vacaville Ukiah Graceland Salinas Folsom Sausalito Rio Vista Palo Alto Pleasanton San Mateo San Juan Bautista Corona
Emeryville Belvedere Long Beach Sebastopol Winters Appleton Yuba City Suisunville Willits Ukiah Hercules Covina Alturas
Patterson Sebastopol Mountain View Bishop Pittsburg Pinole Biggs Orland Alhambra Arcadia Fairfield Imperial Concord Mount Shasta
Richmond Santa Maria Vernon Gridley Jackson Oroville Dixon Fortuna Glendale Coalinga Upland Tehama La Verne Huntington
Park Newport Beach Morgan Hill Oakdale Lodi Hemlock Beach Piedmont Sierra Madre Madras San Angelo Los Banos Corning Claremont
Ingleswood Turlock Larkspur Oakdale Calaverita El Centro Kingsburg Burlingame Hawthorn Fowler Healdville Port Archa Ross South San
Francisco Albany Dorris Huntington Beach Roseville Dunsmuir Tehachas Orland Hiramet Chico Lindsay Blue Lake Hillborough
Tracy Yuba King City Orland Daily City Colusa Marysville Butte City Arroyo Grande Hanford San Fernando Glendale Hanford Ukiah
Camp La Mesa Calaverita El Cajon El Monte Beaumont Northridge Beach Sunnyvale Banning Santa Cruz Redkey San Gabriel San Marino
Needles Beverly Hills Fillmore Corcoran Firebaugh Walnut Creek San Bruno Palmdale Mendocino Seal Beach Gustine Monterey Park Costa
Madera Buena Vista Camarillo The Sea El Segundo Plymouth Brea Davis El Centro Colton Corcoran Manteca Calipatria Patterson San Jacinto
Williams Monte Belito Soledad Torrance Lynwood Ojai Parlier Hawthorne Atwater Riverbank Livingston South Gate Chowchilla
West Covina Atherton Signal Hill Colton Maywood La Habra San Carlos Belmont Placencia Laguna Beach Tustin Bell Menlo Park San Clemente
Fresno Gardena Fairfax West Covina Dos Palos Tulelake Shafter Palmdale Palmdale Palmdale Palmdale Palmdale Palmdale Palmdale Palmdale
Hunting Beach Portola Redwood City Gain Coachella Greenfield Gonzales Live Oak Elavon Millbrae Orangevale Brentwood Parkettes San
Pablo Capitola Alhambra Camarillo Escondido Garberville Ukiah Blytheburg Nevada Costa Mesa Del Mar San Dimas San Gabriel
Newark Cupertino La Palma Redwood Frontmont Baldwin Park Los Altos Hills Centimo Montebello Sanction Garden Grove Fountain Valley Cypress
La Puente Sanatoga Woodside Rosemead Rolling Hills Paramount Escondido Woodbridge Monte Serrano South El Monte Walnut Union City Artesia
McFarland Bradbury Inyardale Duarte Norwalk Bellflower Rolling Hills Estates Pacifica Pico Rivera Santa El Monte Walnut Union City Artesia
Del Mar Half Moon Bay Rosemead Grover Beach Laguna Hills Novato City of Commerce Los Alamitos La Mirada Temecula Sand City San Dimas Farnesville
Cudahy Arvin Wood San Juan Capistrano Bell Gardens Hidden Hills Pleasant Hill Brisbane Villa Park Palmdale Robert Park Victorville Vista San
Marcos Glendale Woodbridge Springs Irwindale Clayton Palmdale Ontario Tiburon Lodi La Brea Portola Valley Morris Bay Thousand Oaks Camarillo Norco
Yountville Rio Del Coronado Scotts Valley Lakeview Chico City Scotts Valley Indian Wells Laguna Hills San Gabriel San Gabriel Waterford Adina Linda
Avalonite Fremont City Willow Hesperia Rancho Mirage Rancho Palms Palm Desert Hesperia Mariposa Mariposa La Grana Fremont Lamorinda Lancaster
Rancho Cucamonga Grand Terrace La Habra Hills Azusa Corona Arroyo Grande Paradise Chualar Big Bear Lake San Juan Poway Cathedral City Westlake Village
Dublin La Quinta Danville Agoura Hills East Palo Alto San Ramon Moorpark Mammoth Lakes West Hollywood Moreno Valley Los Angeles Solvang
Orinda Solano Beach Encinitas West Sacramento Twenty Nine Palms Highland Santa Clarita Mission Viejo Hesperia Apple Valley Dana Point Diamond Bar
Lathrop Yucaipa Laguna Niguel Calimesa Canyon Lake Malibu Calabasas Murietta Yuca Valley Chino Hills Laguna Hills Lake Forest American Canyon
Buellton Windsor Truckee Shasta Lake Colusa Heights Laguna Woods Oakley Elk Grove Red Bluff Colton Rancho Cordova Wildomar Menifee Eastvale



REGISTRATION AND HOUSING DEADLINE:

Tuesday, May 28, 2019

www.cacities.org/events

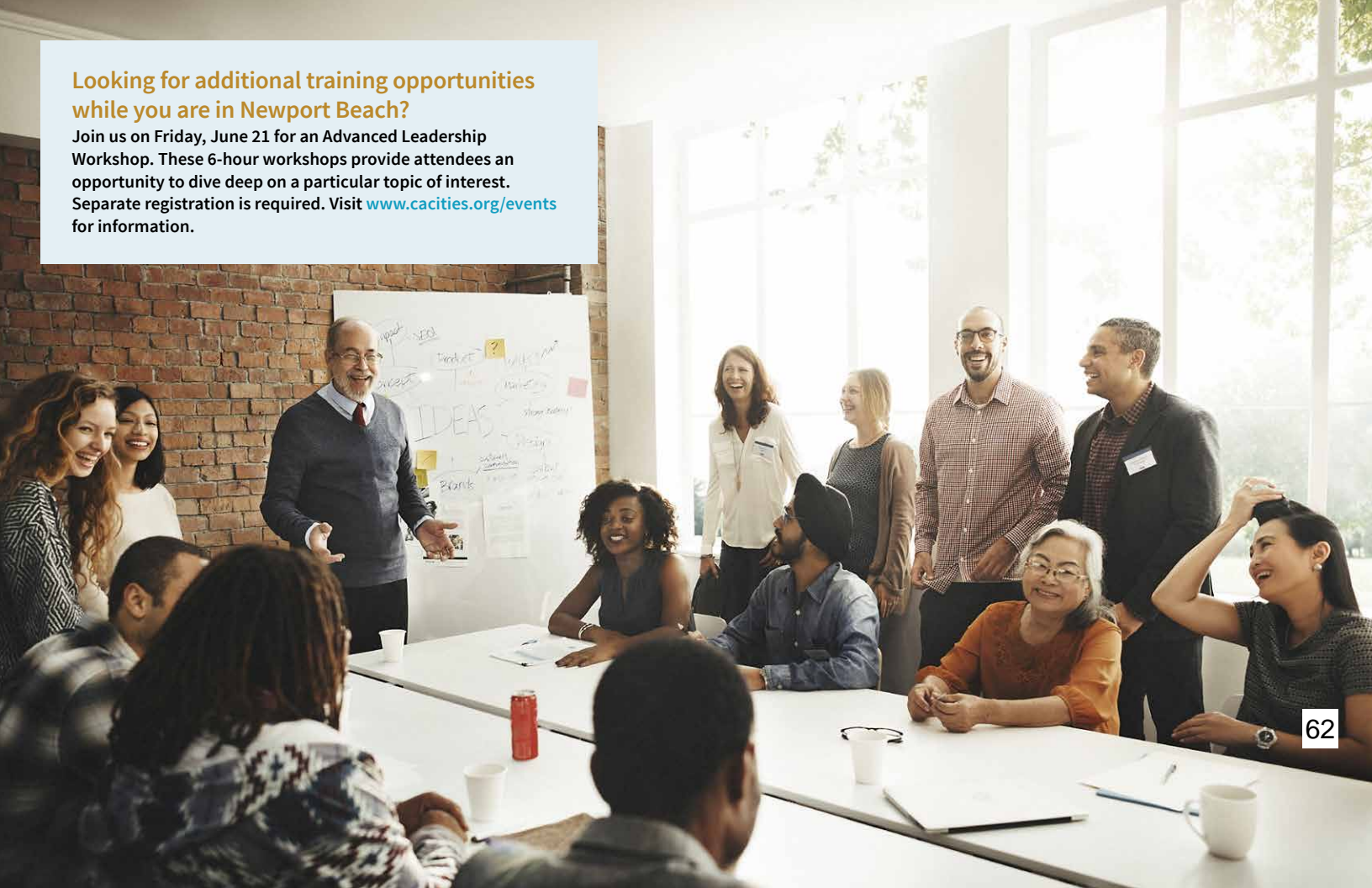
Check out our mobile app

facebook.com/leagueofcities

@CaCities

Looking for additional training opportunities while you are in Newport Beach?

Join us on Friday, June 21 for an Advanced Leadership Workshop. These 6-hour workshops provide attendees an opportunity to dive deep on a particular topic of interest. Separate registration is required. Visit www.cacities.org/events for information.



JOIN US for the 2019 Mayors and Council Members Executive Forum in Newport Beach! This two-day conference is designed for elected officials who are interested in cutting-edge approaches to challenges facing cities. Learn about a wide range of topics, and network with your peers from throughout the state! Register early as space is limited. Continue reading to learn more about some of the sessions that will be available at this conference.

CONFERENCE SESSIONS:

The Hidden Costs of Tackling Homelessness

Homelessness was a big concern in California in 2018 and continues to be in 2019 – both in rising numbers of people affected and in costs incurred by cities trying to address the issue. And sometimes, it seems the only way to comprehensively address homelessness is to spend large amounts of time and resources. But cities do not have to wrestle with this issue alone. In this session, experts deeply familiar with the topic will delve into: strategic methods and related fiscal issues for tackling homelessness at the local level, and finding willing partners who can help.

Applying Innovation To Do More With Less

For most cities, innovation doesn't look like drones or artificial intelligence. The parts of cities that need innovation most are in the everyday routine activities – things like how to get a permit for your roof or how to sign your child up for swimming classes. These innovation opportunities may sound boring, but it's where real change occurs that impacts the daily lives of residents and business owners. Come learn about innovation teams, a new tool for cities who are struggling to keep up with today's tough challenges and limited resources.

Demystifying Land Use and Planning, and Why Should I Care?

Most city leaders have very little understanding of land use. However, in many communities some of the most transformational work that a city government does and some of the nastiest fights involve land use and development. This fast paced (and humorous) session will help you understand the fundamentals so that you can become a more active partner with your staff to reach your community's potential.



For speaker information, go to

www.cacities.org/MCMXFed

****Sessions are subject to change****



But We're Legislators, Not Judges: City Council Fair Process Requirements

When a city council hears an appeal from the planning commission, or conducts other “quasi-judicial” hearings, special fair process principles apply. The failure of city council members to comply with these principles can lead to litigation, invalidation of the city council’s action, and award of significant attorney’s fees against the city. This session explores fair process issues such as bias, ex parte communications, and evidentiary principles, and the pitfalls of failing to comply with these requirements in quasi-judicial proceedings. The panel will conduct a mock city council meeting to highlight how these principles operate in the real world.

Workforce Development & Youth Engagement: City-School Partnerships for Success

Cities and schools partner for a variety of reasons where it makes sense like shared services and joint use. A new focus for city-

school partnerships is municipal workforce development and stronger engagement with a new generation of community leaders. This panel brings municipal practitioners and educators together to share successes and lessons learned in developing and scaling successful partnerships aiming to develop youth as engaged community members and the future of the local government workforce. Through civics education and internships, municipal agencies are realizing their vision for diversity in a municipal workforce that matches a community’s demographics and providing innovative civic experiences for youth.

The Shifting Sands of Economic Development: Welcome to the “O” Zone

Over \$6 trillion of private investment dollars received a special tax incentive in April 2018, when the Feds and State approved 879 new Opportunity Zone Areas in California. These zones allow investors/developers to exchange and shield their capital gains

tax from prior investments (real estate) in designated census tracts. Opportunity Zones may enhance EIFDs/CRIAs by generating early money, thus improving cash flow issues for tax increment districts. Learn how cities can pursue economic development and comply, by blending new zoning and CEQA incentives with tax increment financing to yield taxes, jobs and housing.

A Key for City Success: Effective Communication Between the City Council and City Manager

Successful communities require highly effective city organizations. A requirement for an effective city organization is a positive city council/city manager working relationship. As in all relationships, communication is the foundation. This session will help you better appreciate the role that city councils as a group, individual council members and the city manager play in achieving a successful relationship based on effective communication.

Don't Just Sit On The Bench!

Learn strategies for encouraging and challenging citizens to participate in local government, through applying for commission positions, attending city meetings and events, and more.

How is Your City Performing? Are You Sure?

Is your city a “high performing” one? How do you know and by what standards? When asked, most people can quickly answer the first question, but the second one typically creates a pause. Shouldn't we all have the same lens through which to view and assess our cities' performance? Be engaged with a simple but straightforward model to diagnose public agencies' performance, and what areas might be holding your city back. Learn about the common “building block” framework to examine just how your city might be doing, to begin the discussion at home.



For speaker information, go to
www.cacities.org/MCMXFed

Sessions are subject to change

City Hall as a Service – Mobility Strategies

City Hall is becoming more of an idea than a physical place. Constituents expect the same round-the-clock access to services and information from their city that they receive from other online services. At the same time, the workforce for cities is becoming increasingly mobile to accommodate flexible scheduling, working remotely, and having access to information at all hours. Hear about one city that has embraced the idea of a mobile City Hall, developing a holistic strategy to increase online services and facilitate a 21st century workforce that is on the go all the time.



Save The Date:

2019 ANNUAL
CONFERENCE & EXPO

October 16–18, 2019
Long Beach Convention Center

GENERAL INFORMATION

REGISTRATION AND HOUSING DEADLINE:

Tuesday, May 28, 2019

STEP 1: REGISTER FOR THE CONFERENCE

Registration is not complete until full payment is received. The League is unable to accept purchase orders.

- For online registration, go to www.cacities.org/events and select “Mayors & Council Members Executive Forum”.
- To request a mail-in registration form, contact mdunn@cacities.org.

Registration must be received by the registration & housing deadline.

After this date, please register onsite if space is still available.

COSTS/FEES

Registration includes electronic access to all program materials, admission to Wednesday & Thursday sessions, Wednesday evening’s networking reception, breakfast and a general luncheon on Thursday.

Member City Elected Officials and Staff.....	\$375
Company/Consultant/League Partner / All Others	\$575
Non-Member City Elected Officials and City Staff	\$1,375
Spouse Registration – Wednesday Networking Reception Only	\$35

The spouse fee is restricted to persons who are not city or public officials, are not related to any League Partner or sponsor, and would have no professional reason to attend the conference. It includes admission to Wednesday’s networking reception only. There is no refund for the cancellation of a spouse registration. It is not advisable to use city funds to register a spouse.

CANCELLATIONS

Refunds of rate paid, minus \$75 processing charge, will be made for cancellations submitted in writing to mdunn@cacities.org and received by the **registration & housing deadline.** There are no refunds for cancellations after this date. Substitutions can be made onsite.



If you require special accommodations related to facility access, transportation, communication and/or dietary requests, please contact our Conference Registrar at mdunn@cacities.org by the

Registration & Housing Deadline.

STEP 2: RESERVE A HOTEL ROOM

Hotel Information & Reservations

A limited number of hotel rooms are available for conference attendees. All attendees must register for the conference prior to reserving a hotel room. Once registration is complete, you will be directed to the housing reservations page. Hotel reservation changes, date modifications, early check-out, or cancellations made prior to the **registration & housing deadline** must be done through the online reservation link you received when registering for the conference. Use your confirmation/ acknowledgement number to access your reservation to make changes. Once the registration & housing deadline has passed, please contact the hotel directly with any changes or cancellations. Please note that any hotel cancellations after the housing deadline has passed may incur a financial penalty or a minimum one-night room charge or attrition fees.

Newport Beach Marriott

900 Newport Center Drive, Newport Beach, CA 92660

Hotel Rate (per night): \$229 – Single/Double Occupancy (plus tax and fees)

Self- Parking (per day): \$15 (subject to availability)

Valet Parking (per day): \$39 (subject to availability)

PLEASE NOTE: The information you provide to the League when registering for a League conference or meeting may be shared with the conference or meeting hotel(s). The hotel(s) will also share with the League the information you provide to the hotel(s) when you make your hotel reservation for the conference or meeting. The information shared between the League and the hotel(s) will be limited to your first name, last name and dates/length of stay in the hotel.



1400 K Street, Ste. 400
Sacramento, CA 95814
www.cacities.org

Join us for the 2019 Mayors & Council Members Executive Forum

For speaker information, go to www.cacities.org/MCMXFed



ADVANCED LEADERSHIP Workshops

FRIDAY, JUNE 21, 2019

NEWPORT BEACH MARRIOTT

REGISTER EARLY! Space limited to the first 100 registrants for each workshop.




LEAGUE[®]
OF CALIFORNIA
CITIES

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Sacramento San Diego San Jose Benicia Los Angeles Santa Barbara San Francisco Stockton Marysville Sonoma Oakland Santa Clara Crescent
City Alameda Picoville San Luis Obispo Eureka Nevada City Yreka Arcata Petaluma Temecula Santa Cruz Ventura Healdsburg Redwood
City Santa Rosa Watsonville Yreka City Suisun City San Bernardino Monterey Trinidad Woodland Chico Antioch Colusa
Fort Jones Siskiyou Napa Hollister San Rafael Visalia Salinas Wheatland Ukiah Hayward Anaheim St. Helena Red Bluff Martinez
Livermore Etna Dixon Berkeley Sonoma Riverside Modesto Fresno Colusa Willows Santa Ana Pasadena Santa Monica Colton
Los Gatos National City Redding Montevideo Placerville South Pasadena Tulare Lake Elsinore San Jacinto Lakeport Auburn Compton Oceanside
Lompoc Escondido Jilisco Redlands Paso Robles Hemet Pacific Grove Fort Bragg Monterey Lincoln Coronado Hanford Ontario
Redondo Beach Vacaville Rocklin Grass Valley Selma Ferndale Sausalito Rio Vista Palo Alto Pleasanton San Mateo San Juan Bautista Corona
Emeryville Belvedere Long Beach Bakersfield Winters Whittier Azusa Lemoore Susanville Mill Valley Hercules Covina Alturas Santa Paula
Sebastopol Mountain View Bishop Pittsburg Pine Bluff Biggs Oxnard Alhambra Arcadia Fairfield Imperial Concord Mount Shasta
Richmond Santa Maria Verrill Grindley Jackson Oroville Hiba Fortuna Madiera San Anselmo Los Banos Corning Claremont Yuba City
Park Newport Beach Morgan Hill Oakdale Lodi Hermosa Beach Piedmont Sierra Madre San Anselmo Los Banos Corning Claremont Yuba City
inglewood Turlock Larkspur Brawley Calexico El Centro Kingsburg Burlingame Newman Fowler Holtville Porterville Ross South San
Francisco Albany Dorris Huntington Beach Roseville Dunsmuir Tehachapi Orland Hemet Colfax Chino Lindsay Blue Lake Hillsborough
Tracy Yuba King City Exeter Daly City Sanger Peris Burbank Arroyo Grande Maricopa San Fernando Glendora Rialto Chula Vista Angels
Camp La Mesa Citrus El Cajon El Monte Beaumont Manhattan Beach Sunnyvale Banning Sutter Creek Reedley San Gabriel San Marino Avalon
Needles Beverly Hills Fillmore Corcoran Firebaugh Walnut Creek San Bruno Delano Arroyo City Seal Beach Gustine Monterey Park Corte
Madera Buena Carmel-by-the-Sea El Segundo Plymouth Brea Davis El Centro Colton Ceres Manteca Calipatria Patterson San Joaquin
Williams Monte Bello Soledad Torrance Lynwood Ojai Parlier Hawthorne Azusa Riverbank Livingston South Gate Chowchilla
Atherton Signal Hill Colma Maywood La Habra San Carlos Belmont Placentia Laguna Beach Tustin Bell Menlo Park San Clemente
West Covina Gardena Fairfax Westmont Dos Palos Tulelake Shafter Palm Springs Palms Verde Estates Woodlake Mendota Ripon Wasco Folsom
Pismo Beach Portola Kernman Galt Coachella Greenfield Gonzales Live Oak Brawley Millbrae Orange Cove Brentwood Port Hueme San
Pablo Capitola Huron Campbell Fontana Carlsbad Los Altos Buena Park Ione Costa Mesa Del Rey Oaks Milpitas Lakewood Seaside
Newark Cupertino La Palma Anderson Fremont Baldwin Park Los Altos Hills Centros Montclair Stanton Garden Grove Imperial Beach Cypress
La Puente Saratoga Woodside Downey Rolling Hills Paramount Escalon Westminster Monte Sereno Santa Fe Springs Fountain Valley City of Industry
McFarland Bradbury Irwindale Duarte Norwalk Bellflower Rolling Hills Estates Pacifica Pico Rivera South El Monte Walnut Union City Artesia
Del Mar Half Moon Bay Rosemead Gover Beach Lawndale Novato City of Commerce Los Alamitos La Mirada Tempe City Sand City San Dimas Farmersville
Cudahy Arvin Weed San Juan Capistrano Bell Gardens Hidden Hills Pleasant Hill Brisbane Villa Park Palmdale Robert Park Victorville Vista San
Marcos Cresta Desert Hot Springs Indio Clayton Hawaiian Gardens Tiburon Loma Linda Portola Valley Morro Bay Thousand Oaks Camarillo Norco
Yountville Rio Dell Carpinteria South Lake Tahoe California City Scotts Valley Indian Wells Torrey Pines Lafayette Simi Valley Waterford Loma Linda
Adelanto Foster City Irvine Hughson Rancho Mirage Rancho Palms Verde Palm Desert Moraga Marina La Cañada Flintridge Lemon Grove Westlake Village
Rushing Cucamonga Grand Terrace La Habra Heights Azusa Avenal Paradise Clearlake Big Bear Lake Santee Poway Cathedral City Westlake Village
Dublin La Quinta Danville Agoura Hills East Palo Alto San Ramon Moorpark Mammoth Lakes West Hollywood Moreno Valley Loomis Solvang
Lindero Solana Beach Encinitas West Sacramento Twentynine Palms Highland Santa Clarita Mission Viejo Hesperia Apple Valley Dana Point Diamond Bar
Ortop Yucca Laguna Niguel Calimesa Canyon Lake Malibu Calabasas Moorpark Yucca Valley Chino Hills Laguna Hills Lake Forest American Canyon
Buellton Windsor Truckee Shasta Lake Citrus Heights Laguna Woods Oakley Elk Grove Aloha Valley Goleta Rancho Cordova Wilomar Menifee Eastvale



REGISTRATION AND HOUSING DEADLINE:
Tuesday, May 28, 2019
www.cacities.org/MCMALWED

Register

- For online registration, go to www.cacities.org/events and select "Mayors & Council Members Advanced Leadership Workshops".
- To request a mail-in registration form, contact mdunn@cacities.org.

FRIDAY, JUNE 21

Registration Open

8:30 – 10:00 a.m. | Please join us for a continental breakfast after checking in.

WORKSHOPS

(includes working lunch) | 9:00 a.m. – 3:00 p.m. | Choose one:

City Finances – What You Need to Know

As trustees of the city, elected officials have important obligations to safeguard the fiscal assets of the public. The panel of experts will start with an overarching financial picture of state and local government finance in California and delve into essential aspects of municipal finance that every city council member should know. Learn how cities have gotten into financial trouble and the right questions to ask to know if yours is healthy. Gain insight into major trends, challenges ahead, and possible reforms. Obtain essential skills to keep your city budget strong through tough economic times. Determine best practices in financial reporting and identify important questions to ask when carrying forward the city budget. Get your questions answered from peers and panelists.

Cannabis Regulation: Best Practices For Your City

In 2018, recreational cannabis became legal in California and cities became authorized to establish their own local ordinances for commercial cannabis. Hear from regulators, compliance advisors and peer cities on the many aspects of local cannabis regulation. Explore best practices as local jurisdictions continue to adjust to new laws and regulations, and get your questions answered on the most pressing cannabis issues facing cities.

Level Up Your Leadership: Mastering Your Role as a Council Member, Community Leader and Colleague

California cities face a myriad of critical and emerging issues from constrained budgets, to the retirement wave, to the expanding housing and homelessness crisis. In order to navigate this, elected officials must be equipped to lead through these changing, and sometimes challenging, times. This interactive session will provide tools and strategies to help elected officials operate more effectively as a council and better engage with fellow council members, with city staff and with the community.

Sessions/Speakers are subject to change



Looking for additional training opportunities while you are in Newport Beach?

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**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: April 15, 2019

MEETING DATE: May 7, 2019

TO: Honorable Mayor and Members of the Town Council
FROM: Daria Carrillo, Finance Director *DBC*
SUBJECT: Quarterly Investment Report for Period Ending March 31, 2019



RECOMMENDED ACTION:

That Council approve the Quarterly Investment Report for the quarter ending March 31, 2019.

BACKGROUND:

The attached report itemizes the Town's investment and states the market value of each investment as of March 2019.

The Town maintains an operating account at Bank of Marin. This is the primary checking account used for the deposit and expenditure of operating funds.

The Town maintains a payroll account at Bank of Marin. This is a controlled account used for payroll processing and expenditures related to salaries and benefits only.

The Town maintains a third account at Bank of Marin. This account is used for deposits related to ambulance service billing. A separate account is needed for ambulance service billing as access to this account is needed by the billing service the Town has contracted with for ambulance service billing.

The Town's Local Agency Investment Fund account (LAIF) is for the purpose of maximizing interest income on funds not needed for immediate expenditure. LAIF funds are held by the State of California.

The Town also has invested in four Certificates of Deposit as listed on the attachment.

DISCUSSION:

The Town's cash balances as of March 31 are \$28,490,590. Of this amount, \$12,275,141 is held on behalf of Sanitary District No. 2 of Marin County. This is \$8,871,625 greater than the cash balances last year at the same time.

FISCAL IMPACT:

There is no fiscal impact associated with approval of this report.

ENVIRONMENTAL IMPACT:

This activity is not defined as a project under CEQA (Section 15378 CEQA Guidelines).

OPTIONS:

1. Approve the report as presented.
2. Take no action at this time.

ATTACHMENTS:

1. Attachment 1 – Treasurer's Investment Report

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

ATTACHMENT 1

Treasurer's Investment Report

TOWN OF CORTE MADERA
TREASURER'S INVESTMENT REPORT
Quarter Ending March 31, 2019

Institution	Type of Investment	Maturity Date	Effective Yield	Market Value on Amount of Deposit
Bank of Marin - operating account	Business Checking Account	none	n/a	1,548,324
Bank of Marin - ambulance billing account	Ambulance Billing Account	none	n/a	265,866
LAIF (Local Agency Investment Fund)	State Treasurer's Pool	none	2.55%	25,685,394
Certificate of Deposit	Wells Fargo, Sioux Falls, SD	6/17/2019	0.34%	249,368
Certificate of Deposit	Lakeside Bank, Chicago, IL	11/10/2020	1.77%	247,180
Certificate of Deposit	Old Missouri Bank, Springfield, MO	11/25/2020	1.92%	247,750
Certificate of Deposit	Merrick Bank, South Jordan, UT	11/17/2020	1.67%	246,708
Total				28,490,590

1 **MINUTES OF APRIL 16, 2019**

2
3 **REGULAR MEETING**
4 **OF THE**
5 **CORTE MADERA TOWN COUNCIL**
6

7 Mayor Ravasio called the Regular Town Council Meeting to order at Town Hall Council
8 Chambers, 300 Tamalpais Drive, Corte Madera, CA on April 16, 2019 at 6:30 p.m.
9

10 **1. CALL TO ORDER AND ROLL CALL**
11

12 Councilmembers Present: Mayor Ravasio; Vice Mayor Andrews and Councilmembers
13 Bailey, Beckman and Kunhardt
14

15 Councilmember Absent: None
16

17 Staff Present: Town Manager Todd Cusimano
18 Town Attorney Teresa Stricker
19 Director of Finance Dario Carrillo
20 Public Works Director Peter Brown
21 Senior Civil Engineer R.J. Suokko
22 Police Chief Mike Norton
23 Town Clerk/Assistant to the Town Manager Rebecca Vaughn
24

25 **SALUTE TO THE FLAG** – Mayor Ravasio led in the Pledge of Allegiance.
26

27 **OPEN TIME FOR PUBLIC COMMENTS**
28

29 Robin Muller, Larkspur, representing Blue Rock Neighborhood Response Group and Drive
30 Clean Marin, stated Drive Clean Marin strives to reduce carbon emissions by driving
31 electric vehicles (EVs). They will be coming to each town in Marin offering assistance and
32 support in transitioning to EVs. She spoke of San Anselmo’s recent policy adoption which
33 encourages people to switch to EVs and to change out their vehicle fleet and invited
34 everybody to attend Drive Clean Marin’s event to test drive EVs on Sunday, April 28th from
35 3 to 5p.m. at the College of Marin parking lot. Lastly, she asked that the Town consider
36 adopting an EV policy and offered assistance in its development.
37

38 **1. PRESENTATIONS**
39

40 A. Presentation from Mimi Willard, Representing the Marin Coalition of Sensible
41 Taxpayers (CO\$T) Regarding the Marin Municipal Water District Fee and Rate
42 Hike Proposal and Potential Impacts to Corte Madera and its Residents
43

44 Mimi Willard, Marin Coalition of Sensible Taxpayers (CO\$T), requested the Council’s help in
45 sending a message to the Marin Municipal Water District (MMWD) declaring that the plan

1 they have over their new rate plan is harmful to cities and its citizenry and they should
2 start over. Small homeowners pay more than their fair share and 78% of the new capital
3 maintenance fee proposed for people's tax bills will be paid by homeowners who use 68%
4 of the water. Commercial properties do not have to pay as much. Most importantly, the
5 rate hike is based on meter size and not usage which is a flaw in the plan. This results in a
6 huge percentage increase in the annual cost to low water users.

7
8 The charge is \$163 for those with the smallest meters and they characterize that as the
9 average amount, but it is the lowest amount. One in five ratepayers have a 1" meter which
10 would give them a \$409 charge and a handful of ratepayers have a 1-1/2" meter in the
11 \$817 range. She said there are some special concessions being proposed to address
12 criticisms which she briefly described and said there are complex problems that result in
13 non-proportionality which is required under Proposition 218.

14
15 Also, the capital management fee is larger than it needs to be because MMWD decided to
16 stop using bonds for financing their infrastructure, and suggested a blended approach over
17 time to avoid the 30% jump in rates. She said there was no outreach prior to or during
18 development of the rate and fee proposal and no good explanation was made for placing
19 the fee on property tax bills. Water bills will also be increasing 4% per year for 4 years on
20 top of the capital maintenance fee. Ultimately, the CMF on the tax bill crowds out future tax
21 measures cities will need, given it is a permanent tax which will continue to rise.

22
23 More importantly, this approach is not legal and it should be stopped before wasting
24 money defending it, or worst yet, getting away with it because no one challenges it. The
25 Coalition have engaged a top water rate attorney in California to advise them on this and he
26 has explained why MMWD's plan is not legal and the County should not allow it to go on the
27 tax bill, and that all changes being considered tonight only make the problem worse.

28
29 Ms. Willard stated there are protest forms in the back of the room, stating this district has
30 many transparency problems and they have been served with a Cease and Desist letter for
31 multiple Brown Act violations. Their Prop 218 notice does not include a protest form but
32 instead a description of how one might complain. The Coalition is offering a fair solution
33 that is legal which is tying the increases to usage. This can legally be done by coming up
34 with a cent/gallon of water used which gets added onto one's water bill. It does not favor
35 certain customers over other customers and is fair. They put this forward to MMWD and
36 they were warned that if the Prop 218 notice is mailed, they cannot switch plans and will
37 lock themselves in. However, they did it anyway.

38
39 They are applying legal pressure, hope to have support from the public, ask that people file
40 protest forms and attend meetings, instill Council peer pressure and she suggested joining
41 the Marin IJ Editorial Board which has called upon MMWD to start over and come up with a
42 fair plan. Lastly, she hoped the Council will consider agendizing a letter to be submitted to
43 MMWD.

1
2 Councilmember Bailey asked if the Coalition presented this to the California Public Utilities
3 Commission (CPUC) and asked if they have received feedback from other governmental
4 entities.

5
6 Ms. Willard said they have not but she will ask their counsel if this is something they should
7 consider doing.

8
9 Mayor Ravasio opened the public comment period.

10
11 JOAN FREY, Montecito, asked if there will be a vote on the matter or not.

12
13 Ms. Willard stated the citizenry does not get to vote for a utility because it is deemed to be
14 an essential service. However, the protest form serves as a vote in the unlikely event that
15 50% of all ratepayer addresses plus 1 turn in their protest forms, the proposal would be
16 rejected. She was not sure this has ever been done in a district this large. Other options are
17 to vote out the MMWD Boardmembers, which is difficult. She heard some discussions about
18 a term limit initiative which also might be a solution.

19
20 DORSIE MCTAGGERT asked and confirmed that MMWD's proposal would be rejected if
21 over 50% of ratepayers or about 31,000 people submitted protest forms.

22
23 B. Presentation from Police Chief Mike Norton on the Central Marin Police
24 Authority Annual Statistics Report

25
26 Police Chief Mike Norton gave a PowerPoint presentation on the Annual Statistics Report
27 for calendar year 2018 relating to traffic and crime in Corte Madera. He provided statistics
28 which showed an increase of 8% in calls for service, an increase for calls at Town Center of
29 26% and an increase at the Village of 21%.

30
31 He then described traffic enforcement and patrol requests, assist fire or medical calls, 1,299
32 traffic stops or an increase of 21%, citizen assists, 911 hang-up calls, 779 police reports, 1
33 aggravated assault, 2 residential burglaries, 161 general larceny and theft, 6 vehicle thefts,
34 a 24%-39% increase in drug cases and a 15%-18% increase in DUIs, 17 bike thefts, 59 auto
35 burglaries, 6% increase in citations, overall county statistics, an increase of 10% for traffic
36 collisions, 1 per day of hit and run property damage incidents in the two shopping centers,
37 and 3 major injury accidents and 17 minor injuries.

38
39 Councilmember Kunhardt asked if drug arrests are broken down by type, specifically
40 cannabis in particular.

41
42 Chief Norton stated DUI would include driving under the influence of alcohol, marijuana,
43 and/or prescription pills. Drug offenses would relate to people on narcotics not driving, but

1 if they were driving they would be a DUI. They have seen an increase in DUIs from
2 cannabis use since it has become legal.

3
4 Councilmember Beckman asked if Chief Norton had any takeaways that would not be
5 apparent through statistics.

6
7 Chief Norton said trends come in waves and he noted a huge increase in vehicle break-ins.
8 Police is focusing its efforts on this and are working with all cities. They expect to see more
9 enforcement and education.

10
11 Councilmember Bailey referred to major crimes and he recognized the decrease. But, in
12 trending back to 5 or 10 years, he asked how the town was doing. He also asked to include
13 a sense of how the town compares over time.

14
15 Chief Norton stated they see variation of crimes with vehicles and bicycles. 2018 was a
16 somewhat quiet year, but he thinks 2019 will be swinging back up. Most vehicle break-ins
17 relate to people who steal throughout the Bay Area, and he agreed to provide a comparison
18 of statistics over time in future reports.

19
20 Mayor Ravasio asked what the Town can be doing, and Chief Norton stated he thinks
21 residents are very responsive and proactive. They work a lot with Public Works on traffic
22 issues and cited the great relationship with CMPA.

23
24 Mayor Ravasio opened the public comment period, and there were no speakers.

25
26 **2. CONSENT CALENDAR**

27
28 Mayor Ravasio opened the public comment period, and there were no speakers.

29
30 A. Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title
31 Only.

32 (Standard procedural action – no backup information provided)

33
34 B. Second Reading and Possible Adoption of Ordinance No. 985 An Ordinance Of
35 The Town Council Of The Town Of Corte Madera, Rezoning A 15.42 Acre
36 Property South And East Of Robin Drive (APN 038-011-21) From The Hillside
37 Land Capacity Overlay District To The Planned Development Overlay District To
38 Facilitate The Residences At Preserve Subdivision Application Submitted By
39 AIMCO Robin Drive L.C. For A Planned Development, Preliminary Plan, Precise
40 Plan, Tentative Map, And Design Review To Subdivide The Property Into 19 Lots
41 With A Private Access Road And Construct 16 Single-Family Units With 8
42 Accessory Dwelling Units, And Associated Landscaping, Tree Removal, And Site
43 Improvements.

- 1 C. Adopt Resolution No. 16/2019 Approving the FY 2019/20 SB1 Project List And
2 Funding Of Gas Tax Expenditures Per Senate Bill No. 1 (SB1): The Road Repair
3 and Accountability Act of 2017
- 4
- 5 D. Approve Accounts Payable Warrants for March, 2019
- 6
- 7 E. Approve March 2019 General Fund Revenue and Expenditure Report
- 8
- 9 F. Approval of Minutes of the April 2, 2019 Regular Town Council Meeting

10
11 MOTION: Moved by Andrews, seconded by Kunhardt, and approved
12 unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey
13 (abstained from Item F) Beckman, Kunhardt and Ravasio; Noes: None)

14
15 To approve Town Consent Calendar Items A, B, C, D, E and F.

16
17 **5. PUBLIC HEARINGS**

- 18 A. Adopt Resolution No. 17/2019 Approving the Proposed Central Marin Regional
19 Pathways Gap Closure Project and Approving the Initial Study and Mitigated
20 Negative Declaration for the Gap Closure Project

21
22
23 Public Works Director Peter Brown introduced the matter, stating R.J. Suokko will give the
24 presentation and environmental consultant Amy Skewes-Cox has worked on the Initial
25 Study and Mitigated Negative Declaration (ISMND) and can answer questions.

26
27 Senior Civil Engineer R.J. Suokko gave an overview of the ISMND for the Central Marin
28 Regional Pathways Gap Closure Project, stating the project was initiated in 2017 after the
29 Town received \$415,000 in Active Transportation Program (ATP) funds. Several public
30 workshops have been held, and he displayed the project site and details.

31
32 He displayed the five main components; a Class I non-conforming path on Wornum Drive, a
33 roundabout at Nellen and Wornum, a cycle track on Nellen, an enhanced crossing at Fifer
34 Avenue, and a connection between Fifer Avenue and southbound Nellen.

35
36 The environmental document addresses all design variations but there is no construction
37 funding secured. Therefore, implementation of components is flexible until funding is
38 acquired. He then presented displays of and described the 5 proposed improvements.

39
40 Amy Skewes-Cox, environmental consultant, gave an overview of the California
41 Environmental Quality Act (CEQA) process undertaken for the project, stating all projects
42 were reviewed for the Initial Study including 19 topics in the checklist to identify potential
43 impacts. Two impacts were identified which were air emissions during construction as
44 mitigated to follow the Bay Area Air Quality Management District's (BAAQMD) compliance

1 measures for construction, and the second was potential impacts to trees, particularly
2 along the Department of Motor Vehicles (DMV) property along Wornum where roots could
3 be disrupted and this is mitigated through protection measures.

4
5 Two letters were received during the 30-day review period; one from Marin Audubon
6 Society expressing concerns about trees which did not warrant any change in the
7 recommended mitigation. They were also concerned about piece-mealing the project.
8 However, the project can stand on its own and is not piece-mealed. The second letter was
9 from Caltrans requesting notification of any work in their right-of-way.

10
11 Tonight, staff is requesting the Council adopt the resolution, make the findings in terms of
12 the ISMND complying with CEQA, approve the ISMND, adopt the Mitigation Monitoring and
13 Reporting Program (MMRP), approve the project and direct staff to file a Notice of
14 Determination to be sent to the Office of Planning and Research and County Clerk which
15 sets the 30 day challenge period.

16
17 Councilmember Beckman asked for the net change in the number of parking spaces on
18 Nellen.

19
20 Mr. Suokko said he did not have the exact number but said there is parking on both sides of
21 the street and it is being reduced to close to half that amount.

22
23 Councilmember Beckman said people will be able to travel from Fifer to Nellen but not
24 Nellen to Fifer and he asked for this rationale.

25
26 Mr. Suokko said this is to address the left turn backlog. The right turn will be made easier
27 to turn and those from the freeway would come at Fifer and go directly to Lucky Drive.

28
29 Councilmember Beckman asked if staff knows how Tam Ridge residents feel about removal
30 of trees between their views and the freeway.

31
32 Ms. Skewes-Cox stated they have not heard specifically from residents at the Tam Ridge
33 Apartments. The trees are very young and there's thin eucalyptus and will not result in a
34 huge change in current conditions.

35
36 Councilmember Kunhardt said if the opening is made between Fifer and Nellen, a signal
37 would be needed at Nellen and Wornum or a roundabout.

38
39 Mr. Suokko stated staff is looking at a roundabout option, and assistance is needed in
40 making that left turn.

41
42 Councilmember Kunhardt questioned any concerns about the roundabout location and risk
43 to drivers of being blinded by light.

1
2 Mr. Suokko said when approaching the roundabout, drivers come from a straight path and
3 would slow down.

4
5 Mr. Brown added that there would be yield signs, arrows and they engineer the roadway
6 such that drivers cannot go straight through. Cars are slowed in all directions approaching
7 the roundabout. He referred to Truckee where there are roundabouts right at the
8 interchanges which function well. At this location, it is small and tight and staff has worked
9 with the Fire Department to ensure turning radiuses work, that they have a fully rolled
10 curb for easy access to emergency vehicles. The roundabout improves vehicular circulation,
11 congestion and risk for collisions, and noted it has large capacity.

12
13 Vice Mayor Andrews questioned the project funding status.

14
15 Mr. Brown said the previous Public Works staff secured the \$415,000 ATP grant, and there
16 are time constraints in using the money. They applied for \$2.7 million in construction
17 funds in the last ATP cycle and did not receive that grant. They will likely look to the State
18 and Transportation Authority of Marin (TAM) for grants, but he thinks they are in a
19 position to look at the pedestrian improvements on Fifer or the Wornum Bike Path, which
20 could be funded in the near term, in-house, which could decrease the grant request in the
21 future.

22
23 Vice Mayor Andrews asked which of the five pieces are most beneficial to the town.

24
25 Mr. Brown said he believes that re-doing the Wornum Class I path and widening it is a
26 current need. He thinks the pedestrian crossing at Fifer is important and these would be his
27 top priorities. Third would be opening the alternative vehicular route and relieving some of
28 the congestion.

29
30 Mr. Suokko agreed with Mr. Brown on which projects would be most beneficial. He said the
31 cycle track is a small piece of the overall construction estimate and because much of it is
32 striping and moving the curb on the east side it is not significant. A more economical
33 approach to implement the cycle track is doing the Fifer enhancement crossing and doing
34 something similar on the Wornum side. Then a cycle track can be put in. The roundabout
35 would then make it fully functional.

36
37 Vice Mayor Andrews asked which project would most likely be funded.

38
39 Mr. Brown said they have had success with the ATP which pertains to pedestrian and bike
40 safety, mobility, increase of usage, and while there are many competing interests, these
41 would be the most grant-competitive.

42
43 Councilmember Bailey said assuming construction funding comes in, he asked what staff

1 sees as far as timing in getting the projects completed.

2
3 Mr. Suokko said in taking this to final design, it will be through spring of 2020 and they can
4 determine if they can move something else forward or apply for additional grant funds in
5 2021.

6
7 Councilmember Bailey asked for next steps, stating the Council receives inquiries about the
8 Alto Tunnel. He sees some additional pedestrian and bike pathways that connect deeper
9 into Corte Madera which most likely will be taken past 2021. He asked if the Alto Tunnel
10 will be addressed after that.

11
12 Mr. Brown said it seems far away, but he noted that these transportation enhancements
13 have a lot of independent utility. There are many short trips that occur across town
14 between Corte Madera and Larkspur, Redwood High and Paradise Drive, and this set of
15 improvements at this location have a lot of circulation benefits. The Alto Tunnel question is
16 a different one and, in his opinion, it does not relate to all of these improvements that need
17 to be done.

18
19 Councilmember Bailey said while he recognizes it is unnecessary to address Alto Tunnel at
20 this time, he was trying to get a sense about when they need to think about this next step.

21
22 Mr. Brown thought it would be a few years away.

23
24 Vice Mayor Andrews asked if the bike path on Wornum that will connect to Tamal Vista will
25 be done before this project.

26
27 Mr. Brown said the timing of Tamal Vista Complete Streets Project would likely happen
28 before an improvement was done on the Wornum Bike Path. They have 90% complete
29 engineering plans to do the Redwood Highway Bike Path and all projects will come
30 together about the same time.

31
32 Vice Mayor Andrews said if they mobilize all construction for Tamal Vista and Redwood,
33 could an argument be made that it makes sense to accelerate funding for this project
34 because contractors are already there.

35
36 Mr. Brown referred to Mr. Suokko to discuss construction phasing and mobilization, but
37 when it comes to applying for grant funds, they do not often get that as criteria; however,
38 there are economies of scale for construction phasing.

39
40 Mr. Suokko thinks much of the savings for the Smart path was because they could take the
41 whole right-of-way with the construction instead of working around conflicts with the train
42 schedule. It was not about total amount of construction at once. He thinks both the Tamal
43 Vista and regional pathway projects have substance and the town will most likely get

1 competitive pricing regardless.

2
3 Mayor Ravasio stated there was a public meeting on this and there were many questions
4 regarding the cycle track on Nellen and whether it was necessary. It was helpful to see the
5 mapping and he asked if staff talked a lot about what would happen when the project is
6 complete. All of the bike traffic empties into this area but there is no way to get onto Nellen
7 now and asked if this was discussed at the meeting.

8
9 Mr. Brown said there were at least two comments where members of the public felt the
10 bike path might not be needed, such that if they do the one along Redwood Highway and a
11 Complete Streets on Tamal Vista, not many people would use this, but he did not believe
12 this is true. In looking at how one would get to Greenbrae or Hwy 101 on the bridge or
13 even coming from the bus stops along Hwy 101, there is a lot of utility of Class IV pathway
14 there, and not everybody wants one choice but rather multiple choices.

15
16 Mayor Ravasio noted the crosswalks on Fifer will also be improved which he confirmed
17 would also help immensely.

18
19 Mayor Ravasio opened the public comment period, and there were no speakers.

20
21 Councilmember Beckman stressed the importance of vegetative screening between Nellen
22 and the freeway which is better for people in town and for those driving along the freeway.

23
24 Ms. Skewes-Cox stated there is no replanting needed on Nellen but the mitigation is the
25 protection of existing trees on Wornum. The change in the right-of-way and paved area
26 goes so close to the Caltrans right-of-way, adjacent to the highway that there is no room for
27 planting but there could possibly be an area closer to the Tam Ridge Apartments on the
28 west side of Nellen for additional tree planting.

29
30 Councilmember Beckman requested staff review whether there is room in the project to
31 incorporate more trees and also to determine what will be planted at Tam Ridge will be
32 enough screening once they grow to maturity, and Mr. Brown confirmed.

33
34 Mayor Ravasio stated he knows there was some controversy over the Nellen Bike Path but
35 seeing the map helps. He realizes why BPAC approved this, stating the Sir Francis Drake
36 overpass is a huge bike feeder and people will logically come down Nellen, as well as the
37 Hwy 101 overpass.

38
39 He also agreed with staff's priorities for widening the Wornum path, noting this is a major
40 bike route for kids coming from the east side over to Hall Middle School and Redwood High
41 School.

42
43 MOTION: Moved by Kunhardt, seconded by Andrews, and approved

1 unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey,
2 Beckman, Kunhardt and Ravasio; Noes: None)

3
4 To adopt Resolution No. 17/2019 Approving the Proposed Central
5 Marin Regional Pathways Gap Closure Project and Approving the
6 Initial Study and Mitigated Negative Declaration for the Gap Closure
7 Project, with direction to staff to file the Notice of Determination.

8
9 **6. BUSINESS ITEMS**

10
11 A. Acceptance of Town of Corte Madera Annual Independent Audit Report For
12 Fiscal Year Ending June 30, 2018

13
14 Director of Finance Dario Carrillo stated this item is the annual Audit report for the fiscal
15 year ending June 30, 2018 and she introduced John Cropper of Cropper Accountancy who
16 provided the report.

17
18 John Cropper, Cropper Accountancy, presented the consolidated financial statements which
19 includes the Management Discussion Analysis (MDA) and the audit opinion which is an
20 unmodified opinion. Their firm does not audit or issue opinions on the Town's internal
21 controls. They use control testing to get to know the Town and if they notice anything they
22 include an explanation in the back of the report.

23
24 He stated controls are functioning well for the Town and there are no material weaknesses
25 or significant deficiencies. On page 19 is the Statement of Net Position and the balance
26 sheet on page 24 is what the Town bases its budget on. It does not include long-term debt
27 or capital assets which are included on the Statement of Net Position. Assets are close to
28 \$90 million, liability is \$41 million and the Town's net position is \$54 million. A lot of that
29 \$54 million is investment and fixed assets. The Town has around \$820,000 to fund projects
30 or other things and this is a positive thing, given net pension liability which increased by
31 almost \$2 million to \$19 million.

32
33 This year, the Town has the implementation of other post-employment benefits (OPEB)
34 medical which increased from \$3.3 million to \$10.5 million. This existed on the Town's
35 financial statements last year but the Governmental Accounting Standards Board re-did
36 this to identify the Town's pensions or GASB 68.

37
38 He then described deferred inflows which are similar to a liability and outflows which are
39 similar to an asset and said pension expenses are \$1.7 million and actual contributions
40 were \$1.6 million. The Town has a prior period adjustment of \$3.5 million which means
41 the \$820,000 could be added but there was a prior period adjustment because
42 Governmental Accounting Standards Board (GASB) realized they had not provided for a
43 liability that existed, and much like pensions, they wanted to provide for that. Therefore,
44 they adopted GASB 75.

1
2 What he thinks are the most important things are contained in the opinion letter and
3 identify the most sensitive estimates facing the Town. Given the Town has new software, it
4 was a transition year. Regarding sensitive disclosures, one in Note 1 is the reconfiguration
5 of governmental funds. He stated the Town's report was a lot of work for Ms. Carrillo which
6 was all needed after many years with the former Finance Director.

7
8 Mr. Cropper then presented the Town's government wide budget, showing comparative
9 years of revenues, program revenues, expenses and change in net position. He displayed
10 the Town's current economic resources which show revenues exceed expenditures.

11
12 Town Manager Todd Cusimano stated within this funding plan, the Town put \$1.4 million
13 towards their pension liability to CalPERS and before the Council is a 10-year plan. They
14 reviewed what they believe the Town needs to save to fully fund its unfunded liabilities. He
15 described the OPEB liability for retiree health. The 10-year projection shows a flat rate of
16 \$200,000 to be put annually into the OPEB Trust where they will have \$7.2 million in a side
17 Trust Fund to pay for retiree health. Currently their unfunded liability is \$9 million, so they
18 will be almost fully funded in the 10-year plan. This projection takes economic downturns
19 into account as well.

20
21 Mr. Cusimano then said staff believes the CalPERS discount rate should be 6% and not 7%.
22 With a 5% annual rate of return in the pension trust, they project approximately \$11.9
23 million in the next 10-11 years. Therefore, he pointed out to the Council that the Town has
24 a plan to get them to the 90% funded rate if projections are correct.

25
26 Mr. Cropper agreed the Town has some robust liabilities and a plan to address them and
27 the Council was looking for extra stabilization funds. He guessed the actuaries have taken
28 what the Town has paid in and liabilities and subtracted the two and arrived at the net
29 pension liability.

30
31 Vice Mayor Andrews referred to the Management Discussion Analysis (MDA) and said it
32 was not noted as being unaudited. Mr. Cropper explained they are required to read the
33 opinion for reasonableness. It is not audited, but it is part of the numbers.

34
35 Vice Mayor Andrews stated with Mr. Warman's retirement and work of Ms. Carrillo, he
36 asked if the Town's chart of accounts sufficiently met standards such that accountants from
37 elsewhere can easily come in and work with the Town's chart of accounts.

38
39 Mr. Cropper replied yes, and he recognized the work of Ms. Carrillo in redoing the chart of
40 accounts to make it more user-friendly, as well as manager Bryce Rojas for work done in
41 the planning phase to get ahead of it. Mr. Rojas agreed and said the new accounting
42 software was also instrumental.

43

1 Councilmember Bailey voiced support of the report and asked Mr. Cropper to explain why
2 it is that the Town's net OPEB and pension liability worsened by \$2 million for the net
3 pension liability and \$3 million for OPEB.

4
5 Mr. Cusimano said it is because of the discount rate and the GASB requirements of how
6 they look at OPEB which keeps changing.

7
8 Mr. Cropper said GASB told cities how much money they were supposed to set aside but it
9 was not the right number, so they are correcting that. If more money was paid in than what
10 was told to put in on an annual basis, towns could have an asset but still a huge liability. It
11 did not make sense, but what they have now are the same principles, concepts,
12 assumptions and discount rates.

13
14 Councilmember Bailey asked if the Town Manager anticipated these differences and he
15 asked if the Council should reasonably anticipate more crazy changes when doing their
16 forecasting. Mr. Cusimano stated they knew this was coming two years ago. It was how the
17 auditors had to report the retiree health numbers and how the Town looks at the numbers
18 in their projections. But again, given their current projections, they will be close to being
19 fully funded in the next 10 years.

20
21 Councilmember Kunhardt questioned the 5% rate of return and the confidence the Town
22 will achieve this rate of return. Mr. Cusimano said it is part of their pension plan and 115
23 Trust they are investing in and they review this annually, and the Vice Mayor is a big part of
24 that strategy.

25
26 Vice Mayor Andrews stated the return is based on a blend of fixed income and equities.

27
28 Councilmember Kunhardt referred to business type activities and asked and confirmed the
29 Town receives payment of fees for these. Mr. Cropper added that often cities will provide
30 for insurance and other internal services which could roll up into Governmental Activities.

31
32 Councilmember Kunhardt asked for the meaning of the \$9.7 million negative number under
33 Governmental Activities in the balance sheet.

34
35 Mr. Cropper said there are two balance sheets. One is the current economic resources on
36 page 24 and the other one is long-term. If the fund balance on page 24 is \$11 million, some
37 of which is broken out for various things, on page 25, it reconciles down to go to the
38 Government-wide funds. Much of it is long-term debt.

39
40 Vice Mayor Andrews said he recalled a few years ago the Park Madera Center was shifted
41 from the Enterprise Fund over to Governmental Activities. In going forward he asked if
42 this was still appropriate.

43

1 Mr. Cropper said they always have to look at the General Fund. The Town can also have
2 other funds that may not meet the criteria of a major fund and possibly this is one of the
3 funds to have them focus on. He thinks if the Council wants to track that one particular
4 fund, it should be taken out of the General Fund and tracked in a different area, and the
5 Council may want to discuss this at a future meeting. As a major fund, they would audit it
6 differently so the Council could see it.

7
8 Mayor Ravasio opened the public comment period, and there were no speakers.

9
10 MOTION: Moved by Beckman, seconded by Bailey, and approved unanimously
11 by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt
12 and Ravasio; Noes: None)

13
14 To accept the Town of Corte Madera Annual Independent Audit
15 Report For Fiscal Year Ending June 30, 2018

16
17 Mr. Cusimano suggested recessing the Town Council meeting and convene to the Sanitary
18 District No. 2 meeting.

19
20 MOTION: Moved by Andrews, seconded by Bailey, and approved unanimously
21 by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt
22 and Ravasio; Noes: None)

23
24 To recess the Town Council meeting and convene the Sanitary District
25 No. 2 meeting.

26
27
28 **RECONVENE THE REGULAR TOWN COUNCIL MEETING** - At 8:40 p.m., the Town Council
29 reconvened its regular meeting.

30
31 **7. BUSINESS ITEMS (Continued....)**

32
33 B. Review and Discussion of Town Council Rules and Procedures

34
35 Mr. Cusimano stated the Town Council amended their rules and procedures in December
36 2017. On August 14, 2018 the Council held a strategic planning session and developed the
37 2018/2019 Work Plan, which is Attachment 2 of the staff report. Staff met afterwards and
38 developed a 2019 schedule to deliver that Work Plan which was distributed.

39
40 He then described the Work Plan and the proposed revisions to the Council's Rules and
41 Procedures and requested Council feedback.

42
43 Mayor Ravasio opened the public comment period, and there were no speakers.

44

1 The following Councilmember comments were received:

- 2
- 3 • Item 1: Councilmember Bailey stated the agenda is primarily set by the Town
4 Manager and approving it with the Mayor. He suggested the opportunity to allow
5 Councilmembers the ability to add items.

6
7 Town Attorney Stricker stated a member of the public can request an item be
8 considered by the Council during the public comment period. During the time the
9 Council is discussing future items, Councilmembers can voice their support and
10 request the item(s) be placed on an agenda, but it is up to the Council to determine
11 priorities and allowing items to fit into the schedule.

- 12
- 13 • Item 2: Councilmember Bailey suggested that if a request is consistent with
14 something that has come through the League of California Cities or MCCMC or,
15 something the Council has considered or approved in the past it can be considered.
16 If not, it should be at the Mayor's discretion to allow item(s) be undertaken.

17
18 Ms. Stricker stated if the Town Manager or a member of the public brings forward a
19 request outside of the League or MCCMC, the Council concurred they could choose
20 to suspend the rules and act otherwise upon a majority vote of the Council. The
21 Council then discussed possibly forming a two-member committee of the Council.

22
23 Mr. Cusimano suggested the Council either use the current policy which is to go
24 through the Town Manager and then to the Mayor, and if there is any conflict where
25 the Mayor does not feel comfortable placing the item on the agenda, they can defer
26 to Section 7.3 and discuss it at the next meeting which requires a majority vote.
27 Councilmembers concurred.

- 28
- 29 • Item 3: Mr. Cusimano stated if a request is received from the press, he
30 recommended the Councilmember reach out to him, given he may have background
31 information and then he will follow-up with the Mayor.

32
33 Ms. Stricker stated in terms of speaking to the press, they should keep in mind that
34 there may be due process issues that relate to appeals, entitlement issues, or a
35 legislative act linked to an entitlement and as an impartial decision-maker,
36 Councilmembers sit in a quasi-judicial capacity.

37
38 Councilmembers concurred with the policy to reach out to the Town Manager who
39 will follow-up with the Mayor.

- 40
- 41 • Item 4: Mr. Cusimano stated he can provide information during his Manager report
42 or he can speak directly to the member of the public to provide a quick update
43 and/or provide his contact information to follow-up offline. Councilmembers can

1 also provide the status of an item or a public comment/question during Town
2 Manager or Councilmember reports. The Mayor can also verbally agree with the
3 speaker that the item should go on a future agenda.
4

5 Councilmembers then briefly discussed speakers identifying themselves, and Ms.
6 Stricker stated the Council cannot require them to provide their name(s).
7

8 **EXTEND MEETING**

9
10 MOTION: Moved by Andrews, seconded by Kunhardt, and approved
11 unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey,
12 Beckman, Kunhardt and Ravasio; Noes: None).
13

14 To extend the meeting 30 minutes from 9:30 p.m. to 10:00 p.m.
15

16 Councilmember Kunhardt asked if the Council will cancel its July 2nd meeting and will hold
17 the July 16th meeting. Mr. Cusimano confirmed with Councilmembers that consideration to
18 cancel the July 2nd meeting will be placed on the next May 7th agenda.
19
20

21 **8. COUNCIL AND TOWN MANAGER REPORTS**

22 - Town Manager Report
23
24

- 25 • At the last meeting, speaker George Marsh brought up parking issues and
26 overflow parking from Redwood High School in a portion of the Madera
27 Gardens neighborhood. He and the Vice Mayor followed up with residents
28 and met with the Principal of Redwood High School, retired Town Manager
29 Jim Robinson, the Police Chief and Public Works Director. They believe there
30 is the potential to open up 30-40 spaces at the high school for parking and is
31 also looking at the school considering red curb painting and/or permit
32 parking around the radius of the school.
33

34 A neighborhood meeting will be held in the next month to discuss the issue
35 and receive feedback about red curbing painting and permit parking, and he
36 will provide updates moving forward.
37

38 - Council Reports
39

- 40 • Councilmembers Beckman and Kunhardt had no reports.
41
- 42 • Vice Mayor Andrews gave the following report:
43
 - 44 ○ He attended a Flood Control District Board meeting and a Parks and
45 Recreation Commission meeting and both bodies are working on their
46 budgets.
 - 47 ○ He reported Proposition 68 grants are due by June 3rd.

- 1 ○ He attended the Legislative Committee meeting and reported there
2 are at least 100 housing related bills. Key bills are SB 50 and SB 4 and
3 there will be a fair number of ADU ordinances.
4

5 • Mayor Ravasio gave the following report:

- 6 ○ He and Councilmember Beckman held office hours with Supervisor
7 Dennis Rodoni on Friday afternoon with about 8 to 10 people in
8 attendance.
9 ○ The MCCMC meeting will be held next week and the Town is hosting it
10 at the Community Center, with a panel on vaping and what towns can
11 do to help with the problem.
12

13
14 **9. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING**

15 A. Review of Draft Agenda for May 7, 2019 Town Council Meeting
16

17 Councilmember Kunhardt said there have been a number of fair housing improvements
18 made in Marin County and he asked if the Council could agendize consideration of revisions
19 with the Town's Fair Housing Ordinance.
20

21 Vice Mayor Andrews suggested it first be heard by the Planning Commission, and
22 Councilmember Kunhardt agreed to forward him the needed information.
23

24 Councilmember Kunhardt requested the Council agendize discussion of electric vehicle
25 promotion in the future.
26

27 Mr. Cusimano stated this topic can be reviewed for placement over the next 6 meetings. He
28 suggested it be discussed after adoption of the budget and commented that in the budget
29 there will be a request for the Town to purchase of up to 3 to 4 EVs and 4 to 6 charging
30 stations.
31

32 Councilmember Kunhardt stated Property Accessed Clean Energy (PACE) funding is
33 allowed in the County but in the towns of Corte Madera and Ross there is only 1 of the 7
34 accepted providers allowed. He asked for a resolution to add the same 7 providers as
35 vetted by the County.
36

37 Councilmember Bailey cited this as a bit more complex but voiced his support and he
38 suggested that Councilmember Kunhardt read the meeting minutes from December 15,
39 2015.
40

41 Mayor Ravasio suggested this item as not being time-sensitive and agreed to agendize it for
42 some time in the future.
43

44 Councilmember Beckman spoke about receiving a request that when the Town purchases

1 items, that the purchasing be done in the most environmentally-sensitive way that is cost
2 feasible. Mr. Cusimano explained that the Town has existing purchasing policies and can
3 incorporate these practices into what they do now and report back to the Council.
4

5 Councilmember Kunhardt reported that the Wildfire Hazard Warning Notice will be going
6 out to people on or around May 1st talking about defensible space and this will return to the
7 Council in the future. He asked to add it to the agenda and have the Fire Chief provide an
8 update. He also asked to be able to see the letter going out to residents before it is
9 distributed.

10
11 Mr. Cusimano agreed to agendize it at the next meeting and stated the letter has already
12 gone out. He will be bringing an item at the next meeting for a budget adjustment of
13 \$200,000 from the sales tax monies to assist neighbors in clearing vegetation. The Town
14 submitted a grant but will not know they have received it until the end of the fire season, so
15 the Town may be reimbursed.
16

17 **10. ADJOURNMENT**
18

19 The meeting was adjourned to the next regular Town Council Meeting at 9:50 p.m. to the
20 May 7, 2019 regular meeting at Town Hall Council Chambers.



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: May 1, 2019
MEETING DATE: May 7, 2019

TO: Honorable Mayor and Members of the Town Council

FROM: Phil Boyle, Senior Planner 

SUBJECT: Consideration and possible action by the Town Council of Corte Madera to introduce two ordinances: (1) Ordinance No. 986 amending Title 6–Health and Sanitation, Chapter 6.14-Prohibiting Smoking, and Title 9-Peace, Safety and Morals, Chapter 9.14-Controlled Substances of the Corte Madera Municipal Code to replace the term “cannabis” with “marijuana” and clarify the definition of smoking paraphernalia, and (2) Ordinance No. 987 amending Title 18-Zoning of the Corte Madera Municipal Code to ban all cannabis businesses except cannabis delivery services provided by businesses located outside of the town, and to regulate the cultivation of cannabis for personal use



RECOMMENDED ACTION:

Staff recommends that the Town Council, after review of all information, presentations, and public comment, introduce the following two ordinances amending the Corte Madera Municipal Code (CMMC):

- (A) Ordinance No. 986 (Attachment 1)
 - Amending Title 6–Health and Sanitation, Chapter 6.14-Prohibiting Smoking in Public Places, Places of Employment and Others Areas, and Multi-Unit Housing; and
 - Amending Title 9-Peace, Safety and Morals, Chapter 9.14 -Controlled Substances; and

- (B) Ordinance No. 987 (Attachment 2)
 - Amending Title 18–Zoning, Chapters 18.02-General (prohibiting cannabis businesses) and 18.04-Definitions; and
 - Adding to Title 18-Zoning, Chapter 18.23-Regulating Personal Cultivation of Cannabis

BACKGROUND:

State Law Regulating Cannabis and Current Corte Madera Cannabis Regulations

In 1996, California voters adopted Proposition 215, also known as the *Compassionate Use Act*. The Act exempted certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes.

In 2003, the California Legislature passed Senate Bill (SB) 420, the *Medical Marijuana Program Act*, to further clarify the scope of Proposition 215. This Act established a voluntary process for issuing identification cards for medical marijuana users and extended certain legal protections.

In November 2012, the Corte Madera Town Council approved Ordinance No. 933 expressly prohibiting medical marijuana dispensaries from all zoning districts in Town.

In September 2015 in an effort to further clarify and establish a statewide regulatory framework to oversee the medical cannabis-related businesses, the California Legislature adopted the *Medical Cannabis Regulation and Safety Act* (MCRSA) in. The Act took effect on January 1, 2016.

On January 19, 2016, the Town Council adopted Resolution 01/2016 confirming that, under the principles of permissive zoning, cultivation of marijuana is a prohibited commercial use in the Town of Corte Madera.

On November 8, 2016, California voters approved Proposition 64, known as the *Control, Regulate and Tax Adult Use of Marijuana Act* (“Adult Use of Marijuana Act,” or “AUMA”), which, legalized the adult use of marijuana for individuals 21 years of age or older and established a state-wide scheme to license businesses in the adult use cannabis-related industry.

On June 15, 2017, the California Legislature passed SB 94 known as the “Medicinal and Adult-Use Cannabis Regulations and Safety Act” (“MAUCRSA”) to combine regulations pertaining to adult use and medical cannabis, and coordinate government oversight of the State’s medical and adult use cannabis industries into one master regulatory regime.

On September 19, 2017, the Town Council adopted an interim urgency Ordinance No. 971 establishing a 45 day moratorium prohibiting medical and nonmedical cannabis-related businesses from locating and operating in the Town of Corte Madera.

October 17, 2017, the Town Council approved Ordinance No. 972 extending the temporary moratorium on cannabis-related businesses until September 18, 2018.

August 21, 2018, the Town Council approved Ordinance No. 978 extending the temporary moratorium on cannabis-related businesses until September 18, 2019.

Over the last 8 months at the direction of the Town Council, Town staff has gathered information from the public, researched codes from other jurisdictions and talked with industry and health professionals to develop draft ordinances that will regulate medical and adult use cannabis businesses and personal cultivation within the Town of Corte Madera. Staff considered information regarding the types of cannabis-related businesses that could be licensed by the State; discussions regarding mobile delivery

business models with industry representatives; attended seminars related to regulatory best practices for cannabis-related businesses; and consulted with planning staff from other local jurisdictions to understand best practices. Staff reviewed ordinances from local Marin County municipalities similar in size and population to Corte Madera, including San Anselmo, Fairfax, Novato and Sausalito, and also reviewed ordinances and information from towns and cities throughout the Bay Area and California.

The process also included public workshops on September 12, 2018 and September 15, 2018 to provide information and gather community input about (1) possible regulations that would apply to medical and adult use cannabis businesses, including whether to allow cannabis businesses to operate in Town, (2) whether to restrict or regulate outdoor cannabis cultivation for personal use, and (3) whether to regulate indoor cultivation of cannabis for personal use.

Staff also developed a public opinion survey that was posted on the Town's website from September 7, 2018 to November 4, 2018. The survey was publicized in the Town newsletter, at both public workshops, and on Nextdoor. The intent of the survey was to gather information and opinions from residents, business people and others as to their views concerning cannabis regulations in Corte Madera. Questions were asked regarding demographic information, medical cannabis and non-medical cannabis businesses, indoor and outdoor cultivation as well as what effect outdoor cannabis cultivation might have on the community. A total of 409 surveys were completed with 81% of the respondents being Corte Madera residents. Staff used the information and direction from the Commission and the Council to create the draft ordinances.

At the December 4, 2018 Town Council hearing, staff presented an overview of cannabis legislation at the State and local level as well as a summary of the Planning Commission hearing and information and comments collected during the public workshops and public survey (Attachment 4). Issues brought up during the meeting by both the Council and the public were similar to previous public hearings related to whether or not the Town should permit cannabis related businesses and the impact cannabis businesses or outdoor cannabis cultivation may have on minors.

In general, the Council indicated that it was supportive of not allowing any cannabis businesses to locate within the Town, but was supportive of continuing to allow state-licensed cannabis delivery businesses located outside of the Town to provide cannabis deliveries to medicinal and adult use customers located in the Town. .

In terms of cultivation of cannabis for personal use, Council members were generally supportive of allowing outdoor cultivation subject to reasonable regulations to prevent potential nuisance issues such as odor, visibility, and crime. Council also indicated its support for allowing indoor personal cultivation consistent with current state law and directed. Staff developed a simple educational handout as an informational guide for persons interested in constructing safe and efficient indoors cultivation areas (Attachment 3). The staff reports, attachments, minutes, videos of each of the events, and the result of the public survey are also accessible at the Town's Cannabis Ordinance Webpage <https://www.townofcortemadera.org/799/Cannabis-Ordinance>.

Based on the Council's direction, on March 26, 2019, planning staff presented the draft ordinance language to the Planning Commission at a noticed public hearing. Several members of the public expressed a variety of viewpoints on cannabis related businesses and cultivation. The video of the Planning Commission meeting can be viewed at the following link: <https://youtu.be/5TBKCa3qTkk> and meeting minutes are included in Attachment 4. The Planning Commission unanimously

recommended that the Council adopt a zoning ordinance to ban all cannabis businesses within every zoning district in the Town, but allow delivery businesses located outside of the Town to deliver cannabis products to customers within the Town, and to regulate the cultivation of cannabis for personal use. The Planning Commission further recommended that the Town review the ordinance in three years from the date of its adoption to determine if any issues need to be addressed, the needs of the community have changed or new legislation has been approved.

During the public hearing before the Planning Commission, the subject of CBD topical products derived from the hemp plant was discussed and subsequent emails regarding the regulation of CBD were received following the March 26, 2019. In response to the inquiry from the Commission, staff has provided a brief summary of the current regulations regarding CBD products below.

CBD stands for cannabidiol. It is the second most prevalent of the active ingredients of cannabis (marijuana). CBD is an essential component of marijuana and is derived directly from the hemp plant. While CBD is a component of cannabis, by itself it does not cause a “high.”

The proposed ordinances before the Council (#986 and #987) specifically includes in the definition of Cannabis that ... “Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code Section 11018.5. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination”. The regulation of products containing CBD is under the jurisdiction of the State of California and will not be effected by the either Ordinance #986 or #987. If the Council would like additional information regarding CBD products and potential regulations, staff can research this topic further and return to the Council at a future meeting.

Noticing and Public Comments Received

A public notice was posted or sent to the Marin Independent Journal, the three public places as required by code, the town newsletter, the town website, the town readerboard, the local media, the interested parties list and Nextdoor. In response to this notice the town received several comments (Attachment 5)

DISCUSSION:

Following the discussion and recommendation by the Planning Commission, staff made further refinements and clarifications to the formatting and specific provisions of the draft ordinance reviewed by the Planning Commission. Staff determined that the amendments to the CMMC would be clearer if presented in two ordinances. The two ordinances are:

(A) Ordinance No. 986

- Amending Title 6–Health and Sanitation, Chapter 6.14-Prohibiting Smoking in Public Places, Places of Employment and Others Areas, and Multi-Unit Housing; and
- Amending Title 9-Peace, Safety and Morals, Chapter 9.14 -Controlled Substances

(B) Ordinance No. 987

- Amending Title 18–Zoning, Chapters 18.02-General and 18.04-Definitions; and
- Adding Chapter 18.23-Regulating Personal Cultivation of Cannabis to Title 18-Zoning.

A. Ordinance No. 986

Ordinance No. 986 amends Title 6-Health and Sanitation and Title 9–Peace, Safety and Morals by replacing the term “marijuana” with “cannabis” to be consistent with the majority of other jurisdictions as well as the State of California and adds a definition of the term “cannabis”. The ordinance also clarifies the definition of smoking paraphernalia within the meaning of Title 9. A copy of that Ordinance is attached to this report as Attachment 1.

B. Ordinance No. 987

Ordinance No. 987 amends and adds to Title 18-Zoning in several ways. Section 18.02.120 has been revised to ban all commercial cannabis activity in every zoning district, except to allow licensed delivery services located outside of the Town to deliver cannabis products to medicinal and adult use customers within the Town. The definitions section now contains the terms “cannabis”, “commercial cannabis activity” and the definition of “medical marijuana dispensary” has been deleted. The table of permitted and conditional uses in residential districts (Section 18.08.020) has been edited to include indoor and outdoor personal cultivation. Lastly Ordinance 987 amends Title 18-Zoning by adding Chapter 18.23-Regulating Personal Cultivation of Cannabis. A copy of the Ordinance is attached to this report as Attachment 2.

The intent of Chapter 18.23-Regulating Personal Cultivation of Cannabis is to regulate the personal cultivation of medical and adult use cannabis in a manner that is consistent with state law and that balances the needs of medical patients and their caregivers and the interests of personal use cultivators, while promoting the health, safety and welfare of the residents and businesses within the Town. Chapter 18.23 includes regulations to prevent cannabis grown for medical and adult use remains secure and does not find its way to persons under the age of twenty-one who are not qualified patients, or to illicit markets. This chapter also includes a separate section defining terms that are unique to cannabis cultivation. Below is a list of the key requirements for indoor and outdoor cultivation for personal use set forth in the proposed ordinance. Chapter 18.23-Regulating Personal Cultivation of Cannabis is attached to Ordinance No. 987 as Exhibit B.

General Restrictions on Cultivation for Personal Use

- Establishes the intent, purpose and applicability of regulating personal cultivation of cannabis.
- Provide definitions for terms used within the new chapter.
- Restricts cannabis cultivation for personal use to parcels in residential zones with legal residential structures that are inhabited full-time by the person cultivating cannabis.
- Limits adult use cannabis cultivation for personal use to six mature cannabis plants per residence.
- All cannabis cultivation sites, cannabis plants and products, and growing equipment must be

secured, and not visible from a public right of way, park or school from the ground level with the unaided eye.

- Restricts use of gas products or generators
- Requires that cannabis cultivation not create an adverse health or safety impact on others.
- Requires proof of property owners' consent.

Indoor Cultivation for Personal Use

- Indoor personal cultivation of cannabis is permitted within a private residence or other fully enclosed and secure structure on a residential premise such as a compliant greenhouse
- All structures must be in accordance with the CMMC and all applicable Planning, Building, and Fire codes.

Additional Restrictions on Outdoor Cultivation for Personal Use

- Outdoor cultivation for personal use is allowed only in residential zoning districts R-1, R-1-A, R-1-B and R-1-C Outdoor cultivation is not an allowed use in Multiple Dwelling R-2 and R-3 zoning districts.
- Outdoor cultivation for personal use must be enclosed by a solid fence that is at least 6 feet high with locked gates.
- For outdoor cultivation, cannabis plants and cannabis equipment shall be located at least 10 feet from all property boundaries and not be located in a front setback.
- Outdoor cultivation for personal use is prohibited on parcels that share one or more property lines, with a private or public school

If adopted by the Council, Ordinance 987 will supersede the temporary moratorium extended by the Council on August 21, 2018. If no zoning amendments are adopted by the Town Council prior to September 18, 2019, State may issue licenses to a variety of commercial cannabis establishments to establish in Town would take effect at that time.

ENVIRONMENTAL IMPACT:

The proposed ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) as it has no potential for causing a significant impact on the environment and 15308 as a regulatory action that will protect the environment.

OPTIONS:

1. Approve the attached Ordinances No. 986 and 987 as presented.
2. Approve the attached Ordinances No. 986 and 987 with modifications.
3. Continue this item to a future date.

ATTACHMENTS:

1. Draft Ordinance No. 986
2. Draft Ordinance No. 987
3. Planning Commission Packet of March 26, 2019 including Resolution #19-014, minutes and items received after the packet was distributed.
4. December 4, 2018 Town Council Staff report with attachments, minutes and items received after the packet was distributed.
5. Public comments received.

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

Attachment 1
Draft Ordinance No. 986

DRAFT

ORDINANCE NO. 986

AN ORDINANCE OF THE TOWN COUNCIL OF CORTE MADERA ADOPTING AMENDMENTS TO TITLES 6 AND 9 OF THE TOWN OF CORTE MADERA MUNICIPAL CODE TO CHANGE THE TERM “MARIJUANA” TO CANNABIS”: TITLE 6–HEALTH AND SANITATION CHAPTER 6.14-PROHIBITING SMOKING, AND TITLE 9-PEACE, SAFETY AND MORALS CHAPTER 9.14-CONTROLLED SUBSTANCES

WHEREAS, in current state regulations and amendments to the Town Zoning Code being considered, the term “cannabis” has replaced the term “marijuana;” and

WHEREAS, to be consistent throughout the Town Municipal Code (CMMC), the Council wishes to amend Titles 6 and 9 of the CMMC to replace the term “marijuana” with the term “cannabis”.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES ORDAIN AS FOLLOWS:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Compliance with the California Environmental Quality Act (CEQA)

The proposed ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) as it has no potential for causing a significant impact on the environment and 15308 as a regulatory action that will protect the environment.

Section 4. Amendments to the Corte Madera Municipal Code

This ordinance, if approved by the Town Council of the Town of Corte Madera, hereby amends the following sections of the Corte Madera Municipal Code attached as Exhibits A and B:

EXHIBIT A

Amendments to Title 6 - HEALTH AND SANITATION

Chapter 6.14 SMOKING PROHIBITED IN CERTAIN PUBLIC PLACES, PLACES OF EMPLOYMENT, OTHER AREAS, AND MULTI-UNIT HOUSING

Section 6.14.010 - Definitions

Section 6.14.110 - Smoking and smoke generally.

EXHIBIT B

Amendments to Title 9 - PEACE SAFETY AND MORALS

Chapter 9.14 CONTROLLED SUBSTANCES

Section 9.14.010 Minors

Section 9.14.020 Minors excluded

Section 9.14.030 Sale and display rooms

Section 9.14.040 Nuisance.

Section 5. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

Section 6. Effective Date

This ordinance shall go into effect thirty (30) days after the date of its passage and adoption, but only to the extent that Ordinance Number 987 has been adopted to amend Title 18 of the CMMC to include a definition of “cannabis” and Ordinance Number 987 has taken effect.

Section 7. Posting

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

* * * * *

This ordinance was introduced on the 7th day of May 2019, and adopted on the XXth day of XXXX, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

BOB RAVASIO, MAYOR

ATTEST:

REBECCA VAUGHN
TOWN CLERK

EXHIBIT A

PROPOSED AMENDMENTS TO TITLE 6 – HEALTH AND SANITATION CHAPTER 6.14 - PROHIBITING SMOKING IN PUBLIC PLACES, PLACES OF EMPLOYMENT, OTHER AREAS, AND MULTI-UNIT HOUSING

CHAPTER 6.14 - PROHIBITING SMOKING IN PUBLIC PLACES, PLACES OF EMPLOYMENT, OTHER AREAS, AND MULTI-UNIT HOUSING

6.14.010 - Definitions.

A. The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

22. "Smoke" means the gases and particles released into the air by combustion, electrical ignition or vaporization, including from an electronic smoking device, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the resulting gases, particles or vapors combustion products, such as, for example, tobacco smoke and ~~marijuana~~ *cannabis* smoke, except when the combusting material contains no tobacco *or cannabis* and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense.

28. "Cannabis" shall have the same meaning as set forth in Section 18.04.101 of the CMMC.

6.14.110 - Smoking and smoke generally.

- A. The provisions of this chapter are restrictive only and establish no new rights for a person who engages in smoking. Notwithstanding (1) any provision of this chapter or other provisions of this Code, (2) any failure by any person to restrict smoking under this chapter, or (3) any explicit or implicit provision of this Code that allows smoking in any place, nothing in this Code shall be interpreted to limit any person's legal rights under other laws with regard to smoking, including, for example, rights in nuisance, trespass, property damage, and personal injury or other legal or equitable principles.
- B. Notwithstanding any other provision of this chapter, smoking ~~marijuana~~ *cannabis* for medical purposes as permitted by California Health and Safety Code sections 11362.7 et seq. is not prohibited by this chapter.
- C. For all purposes within the jurisdiction of the town, nonconsensual exposure to smoke occurring on or drifting into residential property is a nuisance, and the uninvited presence of smoke on residential property is a nuisance and a trespass. Any person bringing a civil action to enforce the nuisance provision contained in this section need not prove an injury different in kind or in degree from injury to others to prove a violation of this chapter.

EXHIBIT B

**PROPOSED AMENDMENTS TO
TITLE 9 – PEACE SAFETY AND MORALS
CHAPTER 9.14 - CONTROLLED SUBSTANCES**

CHAPTER 9.14 - CONTROLLED SUBSTANCES

9.14.005 – Definitions.

“ Cannabis” shall have the same meaning as set forth in Section 18.04.101 of the CMMC.

9.14.010 - Minors.

No owner, manager, proprietor or other person in charge of any room in any place of business selling or displaying for the purpose of sale any device, contrivance, instrument or paraphernalia for smoking, injecting or consuming ~~marijuana~~ *cannabis*, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than a drug for which a prescription has been issued, as well as roach clips, shall allow or permit any person under the age of eighteen years to be, remain in, enter, or visit such room unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian.

9.14.020 - Minors excluded.

No person under the age of eighteen shall be, remain in, enter or visit any room in any place used for the sale, or displaying for the purpose of sale, of devices, contrivances, instruments or paraphernalia for smoking, injecting, or consuming ~~marijuana~~ *cannabis*, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than a drug for which a prescription has been issued, including roach clips, unless such person is accompanied by one of his or her parents or his or her legal guardian.

9.14.030 - Sale and display rooms.

A person shall not maintain in any place of business to which the public is invited the display for sale, or the offering to sell, of devices, contrivances, instruments or paraphernalia for smoking, injecting, or consuming ~~marijuana~~ *cannabis*, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than drugs for which a prescription has been issued, including roach clips, unless such display or offering is maintained within a separate room or enclosure from which minors not accompanied by a parent or legal guardian are excluded.

Each entrance to such a room shall be posted with a sign in reasonably visible and legible words, with letters at least two inches in height, that minors, unless accompanied by a parent or legal guardian, are excluded.

9.14.040 - Same—Nuisance.

The distribution or possession for the purpose of sale, exhibition or display in any place of business from which minors are not excluded as set for in this section of devices, contrivances, instruments, or paraphernalia for smoking, injecting or consuming *marijuana cannabis*, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than drugs for which a prescription has been issued, including roach clips, is hereby declared to be a public nuisance, and may be abated pursuant to the provisions of Section 731 of the California Civil Procedure Code. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter.

Attachment 2
Draft Ordinance No. 987

DRAFT

ORDINANCE NO. 987

**AN ORDINANCE OF THE TOWN COUNCIL OF CORTE MADERA
AMENDING TITLE 18 OF THE CORTE MADERA MUNICIPAL CODE TO
(1) BAN ALL CANNABIS BUSINESSES EXCEPT ALLOWING CANNABIS DELIVERY
SERVICES PROVIDED BY BUSINESSES LOCATED OUTSIDE
OF THE TOWN AND (2) REGULATING CULTIVATION OF CANNABIS
FOR PERSONAL USE**

WHEREAS, Corte Madera is a vital and active Town that retains a strong sense of community. The Town strives to retain this atmosphere and a diverse mix of business establishments while promoting the long-term economic health of the community as a whole; and

WHEREAS, Corte Madera desires to protect its existing character, including its vibrant and diverse business sector and at the same time create a supportive environment for a variety of uses, including existing residential areas, to thrive in a manner consistent with the community character; and

WHEREAS, the Compassionate Use Act of 1996 (also known as Proposition 215) was enacted in California allowing the use of medical marijuana; and

WHEREAS, in September 2015, the California Legislature adopted the *Medical Cannabis Regulation and Safety Act* (MCRSA) in effort to clarify and establish a statewide regulatory framework to oversee the medical cannabis-related businesses; and

WHEREAS, on November 8, 2016, California voters approved Proposition 64, known as the *Control, Regulate and Tax Adult Use of Marijuana Act* (with a designated short title of the “Adult Use of Marijuana Act,” or “AUMA”), which, among other things, legalized the adult use of marijuana for individuals 21 years of age or older and established a state-wide scheme to license businesses in the adult use cannabis-related industry; and

WHEREAS, on June 15, 2017, the California Legislature passed SB 94 known as the “Medicinal and Adult Use Cannabis Regulations and Safety Act” (with a designated short title of “MAUCRSA”) to combine regulations pertaining to adult use and medical cannabis, and coordinate government oversight of the State’s medical and adult use cannabis industries into one master regulatory regime. The State began issuing licenses to medical and adult use cannabis-related businesses after January 1, 2018; and

WHEREAS, under the express terms of AUMA and MAURCRSA, the Town retains the authority to prohibit any cannabis businesses from operating within its borders, and to the extent such businesses are allowed to operate in the Town, the Town may impose regulations on those businesses in addition to those imposed by the State; and

WHEREAS, the Town of Corte Madera’s Zoning Ordinance currently prohibits “medical marijuana dispensaries” within the Town’s boundaries, as such uses are defined in Zoning Ordinance, but does not currently expressly prohibit adult use marijuana dispensaries or any other business related to medical or adult use cannabis from operating in the Town, nor does it impose any industry-specific regulations on those businesses; and

WHEREAS, to amend the Zoning Ordinance to adopt cannabis industry specific regulations, the Planning Commission and then Town Council must proceed through a public hearing process – with careful analysis

and appropriate community outreach and engagement – to determine whether any type of cannabis-related businesses should be allowed to operate in the Town and, if allowed to operate, how those businesses should be regulated; and

WHEREAS, on September 19, 2017, the Town Council of Corte Madera adopted an urgency ordinance (Corte Madera Ordinance No. 971) pursuant to California Government Code Section 65858 (“Section 65858”) adopting a 45-day moratorium prohibiting all medical and adult use cannabis-related businesses from locating and operating in the Town of Corte Madera pending the analysis and consideration of new zoning amendments and other regulations appropriate for this new industry. The moratorium did not prevent businesses located outside of the Town from providing cannabis delivery services to customers located within the Town; and

WHEREAS, on October 17, 2017, pursuant to Section 65858, the Town Council adopted an urgency ordinance (Ordinance 972) extending the moratorium established in Ordinance No. 971 through September 18, 2018, to give the Town time to complete the process of analyzing and considering possible zoning amendments to regulate the cannabis industry; and

WHEREAS, on August 21, 2018, pursuant to Section 65858 the Town Council adopted an urgency ordinance (Ordinance No. 978) extending the moratorium originally established in Ordinance 971 for one additional year to September 18, 2019; and

WHEREAS, on September 12, 2018 and September 15, 2018 Town staff conducted two public workshops at Town Hall to provide information and gather community input about (1) possible regulations that would apply to medical and adult use cannabis businesses, including whether to allow cannabis businesses to operate in Town, (2) whether to restrict or regulate outdoor cannabis cultivation for personal use, and (3) whether to regulate indoor cultivation of cannabis for personal use; and

WHEREAS, a public opinion survey was posted on the Town’s website from September 7, 2018 to November 4, 2018. The survey was publicized in the Town newsletter, at both public workshops, and on Nextdoor. The intent of the survey was to gather information and opinions from residents, business people and others as to their views concerning cannabis regulations in Corte Madera. Questions were asked regarding demographic information, medical cannabis and non-medical cannabis businesses, indoor and outdoor cultivation as well as what effect outdoor cannabis cultivation might have on the community. A total of 409 surveys were completed with 81% of the respondents being Corte Madera residents; and

WHEREAS, on October 23, 2018, the Planning Commission held a noticed public hearing regarding the development of a Town ordinance regulating cannabis-related businesses and personal cultivation which included a summary of the public workshops and a summary of the public opinion survey; and

WHEREAS, at the conclusion of the Planning Commission meeting on October 23, 2018, the general consensus of the Commissioners was that the Town should (1) allow outdoor cannabis cultivation with some restrictions, (2) allow indoor cannabis cultivation as required by the State without additional regulations, (3) allow businesses located outside of the Town to provide cannabis delivery services to customers located in Corte Madera; and

WHEREAS, on December 4, 2018, staff presented to Town Council an overview of cannabis legislation at the State and local level, a summary the October 23, 2018 Planning Commission hearing, and information and comments collected during the public workshops and public survey, and the Town Council discussed possible options for regulating cannabis businesses and cultivation of cannabis for personal use; and

WHEREAS, during the December 4, 2018 Town Council meeting, the Council directed staff to develop draft amendments to the Zoning Ordinance to (1) ban all cannabis-related businesses from locating in the Town but to allow businesses located outside of the Town to provide cannabis delivery services to customers located

in the Town, (2) regulate outdoor cannabis cultivation for personal use to minimize neighborhood impacts, and, (3) allow indoor cultivation for personal use without additional restrictions other than those imposed by the State; and

WHEREAS, on March 26, 2019, the Planning Commission held a public hearing to consider a draft ordinance banning cannabis-related businesses and regulating cultivation of cannabis for personal use, and unanimously approved Resolution #19-014 recommending that the Town Council approve the draft ordinance prohibiting cannabis related businesses and allowing for limited indoor and outdoor cultivation of cannabis for personal use. The Commission also recommended that the ordinance be reviewed by the Town in three years from the date of its adoption; and

WHEREAS, the Town Council finds that: (1) The unregulated cultivation of cannabis for personal use in the Town of Corte Madera may adversely affect the health, safety, and well-being of the Town's residents and environment; (2) Regulating the cultivation of cannabis is proper and necessary to avoid the risks of criminal activity from increased risk of burglary and other property crimes, degradation of the natural environment, offensive odor, fire hazards, and violation of building codes that may result from unregulated cannabis cultivation; (3) Children are particularly vulnerable to the effects of cannabis use, and the presence of cannabis plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including schools, parks, and other similar locations; and (4) the potential for criminal activities associated with cannabis cultivation in such locations poses heightened risks that children will be involved or endangered; and

WHEREAS, the unregulated indoor cultivation of substantial amounts of cannabis within a residence presents potential health and safety risks to those living in the residence, especially children, including, but not limited to, increased risk of fire from grow light systems; potential adverse effects on the structural integrity of a building; exposure to fertilizers, pesticides and anti-fungal/mold agents; and exposure to potential property crimes targeting the residence; and

WHEREAS, the Town wishes to amend the Corte Madera Municipal Code (CMMC) to supplement state law by providing a means for regulating the cultivation of medical and adult use cannabis for personal use in a manner that is consistent with state law and that balances the needs of medical patients and their caregivers and the interests of personal use cultivators, while promoting the health, safety and welfare of the residents and businesses within the Town; and

WHEREAS, upon adoption and passage of this ordinance, the Moratorium adopted by Ordinance No. 978 shall be repealed; and

WHEREAS, the Council finds that it is in the interest of the Town and its residents to preserve the quality of life in Corte Madera, and to protect the public health, safety, and general welfare by banning all cannabis relating businesses from operating within the Town but allowing delivery of cannabis and cannabis-related products from businesses located outside of Corte Madera to customers within the Town, and adopting reasonable regulations pertaining to the cultivation of cannabis for personal use.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES ORDAIN AS FOLLOWS:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Compliance with the California Environmental Quality Act (CEQA)

The proposed ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) as it has no potential for causing a significant impact on the environment and 15308 as a regulatory action that will protect the environment.

Section 3. General Plan Consistency

The Town Council of the Town of Corte Madera hereby finds that the proposed Zoning Ordinance Amendments regarding cannabis regulations are consistent with the 2009 General Plan policies and programs. The Council finds that the proposed ordinance results in changes to the Corte Madera Municipal Code, but no changes are proposed to the General Plan. The proposed ordinance will further protect the public health, safety and/or welfare of Corte Madera residents by prohibiting any cannabis-related businesses from locating in Town and by regulating indoor and outdoor cultivation of cannabis for personal use. These measures are consistent with the policies and programs of the Corte Madera General Plan in all aspects. The specific policies and programs on which the Town Council makes this finding include, but are not limited to:

Implementation Program LU-1.1a Ordinance Revisions

Prepare and adopt revisions to the Municipal Code, including the Zoning and Subdivision Ordinances that organize and update existing resolutions and ordinances of the Town to ensure consistency with the General Plan, including land uses, lot sizes and floor area ratios. Uses and structures made non-conforming by adoption of the General Plan will be allowed to be continued, and further addressed in the Zoning Ordinance update.

Section 4. Amendment to the Corte Madera Municipal Code

This ordinance, if approved by the Town Council of the Town of Corte Madera, hereby amends Title 18 – Zoning of the Corte Madera Municipal Code by (1) amending existing Chapters 18.02, 18.04, and 18.08 as shown on Exhibit A, and (2) adding Chapter 18.23 Regulating Cannabis Businesses and Cultivation as shown on Exhibit B.

Section 5. Repeal of Moratorium

The Town Council hereby repeals the moratorium adopted on August 21, 2018, referenced as Ordinance No. 978, but that repeal shall be effective only when and if the prohibition on commercial cannabis activity this Ordinance 987 adds to Section 18.02.120 (a) of the CMMC takes effect.

Section 6. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

Section 7. Effective Date

This ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

Section 8. Posting

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal

within 5 days prior to passage and within 15 days after passage.

* * * * *

This ordinance was introduced on the 7th day of May 2019, and adopted on the XXth day of XXXX, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

BOB RAVASIO, MAYOR

ATTEST:

REBECCA VAUGHN
TOWN CLERK

EXHIBIT A

PROPOSED AMENDMENTS TO EXISTING PROVISIONS OF TITLE 18 – ZONING

CHAPTER 18.02 - GENERAL; CHAPTER 18.04 - DEFINITIONS; AND CHAPTER 18.08 - R-RESIDENTIAL DISTRICTS

The following revisions are proposed in **red** with deletions in **strikeouts** and additions in *italics*.

CHAPTER 18.02 - GENERAL

18.02.120 – ~~Medical Marijuana Dispensaries~~ *Commercial cannabis activity* prohibited.

~~(a) A medical marijuana dispensary is not an allowable use in any zoning district within the town. The establishment or operation of a cannabis dispensary in the town is hereby expressly prohibited in all zoning districts of the town.~~

~~(b) No permit, variance, building permit, approval or any other applicable license or entitlement for use, including, but not limited to any land use entitlement, or the issuance of a business license, shall be approved or issued for the establishment or operation of a marijuana dispensary in the town.~~

(a) All commercial cannabis activity is prohibited in every zoning district within the Town of Corte Madera.

(b) Exception for cannabis delivery services provided by licensed businesses located outside of the Town. Notwithstanding the prohibition in subdivision (c) above, delivery of cannabis or cannabis products from a business located outside the Town of Corte Madera is permitted subject to the conditions of Business and Professions Code § 26090, as amended from time to time. This section does not permit any temporary, persistent, or fixed physical presence used for commercial cannabis activities besides delivery vehicles in the active state of making a delivery to a specific person and location.

CHAPTER 18.04 - DEFINITIONS

18.04.101 Cannabis.

“Cannabis” means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not, or any other strain or varietal of the genus Cannabis that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means cannabis as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as amended from time to time. Any reference to cannabis or cannabis products shall include medicinal and adult use cannabis and medicinal and adult use cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, as amended from time to time. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture,

or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

18.04.127 Commercial cannabis activity.

“Commercial cannabis activity” means a business or activity licensed under the Business and Professions Code, § 26001(k), as amended from time to time, including cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products, and any other activities that may be licensed. “Commercial cannabis activity” includes both medicinal and adult use cannabis and cannabis products in accordance with Business & Professions Code §26000(b), as amended from time to time. “Commercial cannabis activity” does not include personal uses allowed by Cal. Health and Safety Code §§ 11362.1 and 11362.2, as amended from time to time, or personal medicinal uses allowed by §§ 11362.765 and 11362.77, as amended from time to time.

18.04.497 Marijuana

“Marijuana” has the same meaning as “cannabis” as set forth in this code.

18.04.500 ~~Medical marijuana dispensary.~~

- ~~(a) “Marijuana” means all parts of the plant cannabis sativa L, whether growing or not, the resin extracted from any part of the plant; cannabis; concentrated cannabis; edible products containing any part of marijuana; any form of marijuana that may be eaten, injected, ingested, digested or otherwise introduced into the human body; and every active compound, manufacture, derivative, or preparation of the plant, or resin~~
- ~~(b) “Medical marijuana dispensary” means any location, structure, vehicle, store, co-op, residence, storefront or mobile retail outlet (as “storefront” and “mobile retail outlet” are used in Cal. Health and Safety Code Sec. 11362.768) or similar facility used, in full or in part, as a place at or in which or from which marijuana is sold, traded, exchanged, or bartered for in any way, whether or not said sale, trade, exchange or barter is accomplished by or through a club, membership, collective, cooperative, other entity or organization or in any other manner. “Collective” and “cooperative” shall have the same meaning as set forth in the “State Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use”, August 2008. “Medical Marijuana Dispensary” shall include but not limited to facilities which make available and/or distribute marijuana in accordance with California Health and Safety Code Sec. 11362.5 et seq.~~
- ~~(c) “Medical marijuana dispensary” shall not include the following uses, as long as the location of such uses are otherwise permitted by this code: a pharmacy regulated under Chapter 9, Division 2 of the Business and Profession Code and/or the Federal Controlled Substances Act of 1970 and its implementing regulations; a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the California Health and Safety Code; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as long as any such use complies strictly with applicable law, including, but not limited to California Health and Safety Code Sections 11362.5 et seq.~~

The following schedule indicates by the symbol "X" the uses that are permitted uses and the uses that are conditional uses in each residential district:

Permitted Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(1) Single-family dwellings	X	X	X	X	X
(2) Multiple dwellings	X				
(3) Home occupations, complying with the provisions of Section 18.08.030(1)	X	X	X	X	X
(4) Incidental and accessory structures and uses for the exclusive use of residents on the site and their guests limited to the following:					
(A) Garages and carports	X	X	X	X	X
(B) Garden structures, including, but not limited to, arbors and pool houses.	X	X	X	X	X
(C) Greenhouses	X	X	X	X	X
(D) Storage buildings	X	X	X	X	X
(E) Recreation rooms	X	X	X	X	X
(F) Hobby shops and studios not containing noisy or objectionable machinery or equipment, and not involving on-premises sales	X	X	X	X	X
(5) Keeping of household pets not exceeding three adult pets of any given species, not exceeding six pets total	X	X	X	X	X
(6) Temporary subdivision sales offices complying with Section 18.08.030(3)	X	X	X	X	X
(7) Private swimming pools and hot tubs complying with the provisions of Section 18.08.030(4)	X	X	X	X	X
(8) Residential care facilities as defined in Section 18.04.650	X	X	X	X	X
(9) Group homes for six or fewer persons	X	X	X	X	X
Permitted Uses	Multiple Dwelling R-2 and R-3	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(10) Small family day care home	X	X	X	X	X
(11) One accessory dwelling unit or junior accessory dwelling unit which conforms with the size and standards of Chapter 18.31 of this title	X	X	X	X	X
(12) Keeping of chickens (excluding roosters, quacking ducks, guinea fowl or pea fowl) in compliance with the provisions of Chapter 18.21	X	X	X	X	X

<i>(13) Outdoor Cultivation of Cannabis for Personal Use in compliance with the provisions of Chapter 18.23</i>		X	X	X	X
<i>(14) Indoor Cultivation of Cannabis for Personal Use in compliance with the provisions of Chapter 18.23</i>	X	X	X	X	X

EXHIBIT B

The following Chapter shall be added to Title 18 of the Corte Madera Municipal Code

Chapter 18.23

***REGULATIONS PERTAINING TO CULTIVATION OF MEDICINAL AND
ADULT USE CANNABIS FOR PERSONAL USE***

Sections:

18.23.010 Purpose and intent

18.23.020 Definitions

18.23.030 Requirements for the Cultivation of Cannabis for Personal Use

18.23.010 Purpose and intent

The purpose and intent of this Chapter is to regulate the cultivation of medicinal and adult use cannabis for personal use in a manner that is consistent with state law and that balances the needs of medical patients and their caregivers, and the interests of personal use cultivators, while promoting the health, safety and welfare of the residents and businesses within the Town and to provide for the health, safety and welfare of the public, and to ensure that cannabis grown for personal use remains secure and does not find its way to persons under the age of twenty-one who are not authorized patients, or to illicit markets. This Chapter shall not be enforced to conflict with state law rights of qualified patients or qualified primary caregivers. Nothing in this section is intended to authorize the cultivation, possession, or use of cannabis in violation of state law.

18.23.020 Definitions

For purposes of this Chapter, the following definitions shall apply, unless indicated otherwise.

“Adult Use Cannabis” refers to that term as set forth in California Business and Professions Code § 26000(2), as amended from time to time, and shall be synonymous with “Adult Use cannabis”.

“Cannabis cultivation” shall have the same meaning set forth in California Business & Professions Code Section 26001, as amended from time to time.

“Cultivation site” shall have the same meaning set forth in California Business & Professions Code Section 26001(m), as amended from time to time.

“Indoor cultivation” refers to cannabis cultivation within a building that complies with applicable provisions of the California Building Standards Code as adopted that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials.

“Medicinal or medical cannabis” shall have the same meaning set forth in California Business and Professions Code § 26001(ai), as amended from time to time, and shall be synonymous with “medical cannabis”.

“Outdoor cultivation” refers to cannabis cultivation at a location other than an indoor cultivation site.

“Personal use” means for individual cultivation and consumption of cannabis products. Any cannabis cultivation requiring a state license under California Business and Professions Code, § 26001, as amended from time to time, is not “Personal use.”

“Primary caregiver” shall have the same meaning set forth in California Health and Safety Code 11362.5(e), as amended from time to time.

“Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling as defined in California Health and Safety Code Section 11362.2, as amended from time to time..

“Qualified patient” shall have the same meaning set forth in California Health & Safety Code Section 11362.7(f), as amended from time to time.

“Residential structure” means any building or portion thereof legally existing that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation on a premises or legal parcel located within a zoning district that allows residential uses. Also see Residence as defined in CMMC Section 18.04.645.

“Sell,” “sale,” and “to sell” shall have the same meaning set forth in California Business & Professions Code Section 26001, as amended from time to time.

“School” means an institution of learning for persons under twenty-one (21) years of age, whether public or private, offering regular course of instruction including, without limitation, a preschool, a kindergarten, elementary school, middle or junior high school, or senior high school.

18.23.030 Requirements for the Cultivation of Cannabis for Personal Use

- A. *It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the Town to cause or allow such parcel to be used for the indoor or outdoor cultivation of cannabis plants except as provided in subsections B. and C. of this section.*
- B. *Persons permitted to cultivate cannabis for personal use.*
 - a. *Only a person who is (1) at least eighteen (18) years of age and a qualified patient, (2) at least twenty-one (21) years of age, or (3) a primary caregiver may engage in cultivation of cannabis for personal use.*
 - b. *The person cultivating the cannabis shall reside full-time (at least 51% of the time over a given year) on the premises where the cultivation of cannabis occurs.*
- C. *Cultivation Standards. Cannabis cultivation for personal use within the Town shall be in conformance with each of the following standards:*
 - a. *General*
 - i. *Cultivation of cannabis for personal use is allowed in all residential zoning districts and in no other zoning district.*
 - ii. *The personal cultivation of adult use cannabis is limited to no more than six mature plants per private residence, regardless of the number of residents at the residence.*
 - iii. *Cultivation areas, cannabis plants and any cannabis products derived from the plants and cannabis growing equipment shall be completely secured, by locked doors or gates or other security device that prevents unauthorized entry and shall not be visible from a public right-of-way, park or school from the ground level with the unaided eye.*
 - iv. *The use of gas products (CO2, butane, etc.) or generators for cannabis cultivation or processing is prohibited.*

- v. *A parcel that is being used for cannabis cultivation must include a legal residence that shall be occupied and is required to maintain a functioning kitchen and bathroom(s), and the use of the primary bedrooms for their intended purpose.*
- vi. *The planting, harvesting, drying, or processing of cannabis for personal use shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious odor, smoke, traffic, vibration or other impacts or be hazardous due to use or storage of materials, processes, products or waste associated with cannabis cultivation.*
- vii. *Cultivation of cannabis for personal use is allowed subject to the property owner(s) consent. Proof of consent must be maintained on the property.*

b. Indoor Cultivation

- i. *Indoor cultivation for personal use shall comply with all applicable regulations of the CMMC and the California Building, Electrical and Fire Codes as adopted by the Town.*
- ii. *Modifications to existing structures or plumbing, electrical, or mechanical systems for construction of indoor cannabis cultivation areas for personal use may require a permit from the Building Department.*

c. Outdoor Cultivation

- i. *Outdoor cultivation for personal use must be enclosed by a solid fence at least six feet (6') in height with a locked gate or gates.*
- ii. *Outdoor cultivation for personal use is prohibited on any parcel that is not zoned R-1, R-1-A, R-1-B, R-1-C, even if the parcel contains a residential structure or a residential use.*
- iii. *For outdoor cultivation, all cannabis plants and growing equipment shall be located at least 10 (ten) feet from all property lines and shall not be located in a front setback.*
- iv. *Outdoor cultivation for personal use is prohibited on parcels that share one or more property lines with a school.*

Attachment 3

**Planning Commission Packet of March 26, 2019 including
Resolution #19-014 minutes and items received after the packet was
distributed.**

Attachment 4
December 4, 2018 Town Council Staff report with attachments,
minutes and items received after the packet was distributed.

Attachment 5
Public comments received.



**CORTE MADERA PLANNING COMMISSION
STAFF REPORT**

REPORT DATE: March 21, 2019
MEETING DATE: March 26, 2019

TO: Corte Madera Planning Commissioners

FROM: Phil Boyle, Senior Planner,
Sean Kennings, Planning Consultant, LAK Assoc.

SUBJECT: **Consideration of Amendments to the Town of Corte Madera Municipal Code Titles 6, 9 and 18 Regarding Regulation of Cannabis Related Businesses and Personal Cultivation.**



RECOMMENDED ACTION:

Staff recommends that the Planning Commission review the materials provided by staff, receive input from the public as part of the public hearing process and forward a recommendation to the Town Council for approval of the Draft Town Ordinances Regulating Cannabis Related Businesses and Personal Cultivation (attached).

BACKGROUND:

Statutory History of California and Corte Madera Cannabis Regulations

In 1996, California voters adopted Proposition 215, also known as the *Compassionate Use Act*. The Act exempted certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes.

In 2003, the California Legislature passed SB 420, the *Medical Marijuana Program Act*, to further clarify the scope of Proposition 215. This Act established a voluntary process for issuing identification cards for medical marijuana users and extended certain legal protections.

In November 2012, the Corte Madera Town Council approved Ordinance No. 933 expressly prohibiting medical marijuana dispensaries from all zoning districts in Town.

In September 2015 in an effort to further clarify and establish a statewide regulatory framework to oversee the medical cannabis-related businesses, the California Legislature adopted the *Medical Cannabis Regulation and Safety Act* (MCRSA) in. The Act took effect on January 1, 2016.

On January 19, 2016, the Town Council adopted Resolution 01/2016 confirming that, under the principles of permissive zoning, cultivation of marijuana is a prohibited commercial use in the Town of Corte Madera.

On November 8, 2016, California voters approved Proposition 64, known as the *Control, Regulate and Tax Adult Use of Marijuana Act* (“Adult Use of Marijuana Act,” or “AUMA”), which, legalized the adult use of marijuana for individuals 21 years of age or older and established a state-wide scheme to license businesses in the adult use cannabis-related industry.

On June 15, 2017, the California Legislature passed SB 94 known as the “Medicinal and Adult-Use Cannabis Regulations and Safety Act” (“MAUCRSA”) to combine regulations pertaining to adult use and medical cannabis, and coordinate government oversight of the State’s medical and adult use cannabis industries into one master regulatory regime.

On September 19, 2017, the Town Council adopted an interim urgency Ordinance No. 971 establishing a 45 day moratorium prohibiting medical and nonmedical cannabis-related businesses from locating and operating in the Town of Corte Madera.

October 17, 2017, Council approved Ordinance No. 972 extending the temporary moratorium on cannabis-related businesses until September 18, 2018

August 21, 2018, Council approved Ordinance No. 978 extending the temporary moratorium on cannabis-related businesses until September 18, 2019

Over the last 6 months at the direction of the Town Council, Town staff has gathered information from the public, researched codes from other jurisdictions and talked with industry and health professionals to develop draft ordinances that will regulate medical and adult use cannabis businesses and personal cultivation within the Town of Corte Madera. Staff considered information regarding the types of cannabis-related businesses that could be licensed by the State; discussions regarding mobile delivery business models with industry representatives; attended seminars related to regulatory best practices for cannabis-related businesses; and consulted with planning staff from other local jurisdictions to understand best practices. Staff reviewed many local Marin County municipalities similar in size and population to Corte Madera, including San Anselmo, Fairfax, Novato and Sausalito, and reviewed ordinances and information from towns and cities throughout the Bay Area and California.

The process also included public workshops (September 12th and 15th 2018), an online survey, and meetings before the Planning Commission (October 23, 2018) and Town Council (December 4, 2018). Each workshop and public meeting was well attended and staff used the information and direction from the Commission and the Council to create the draft ordinance.

At the December 4, 2018 Town Council hearing, staff presented an overview of cannabis legislation at the State and local level as well as a summary of the Planning Commission hearing and information and comments collected during the public workshops and public survey (Attachment 5). Issues brought up during the meeting by both the Council and the public were similar to previous public hearings related to whether or not the Town should permit cannabis related businesses and the impact cannabis businesses or outdoor cannabis cultivation may have on minors.

In general, the Council was supportive of continuing cannabis deliveries into town from outside of Corte Madera based on the understanding that under current state law, the Town would not be able to prohibit or regulate deliveries. Council members were generally supportive of outdoor cultivation with the development of reasonable regulations to address the prevention of potential nuisance issues such as odor, visibility, and crime. Council supported indoor personal cultivation consistent with current State law regulations. Additionally, the Council requested that staff develop an educational pamphlet on best practices for constructing and operating indoor cultivation areas (Attachment 3). The staff reports, attachments, minutes, videos of each of the events and the result of the public survey are accessible at the Town's Cannabis Ordinance Webpage <https://www.townofcortemadera.org/799/Cannabis-Ordinance>.

DISCUSSION:

Staff has developed a draft ordinance to address local regulation of cannabis. Based on input from the public, the Planning Commission and the Town Council, the following sections of the Corte Madera Municipal Code are proposed to be amended:

- Title 6 – Health and Sanitation,
- Title 9 - Peace, Safety and Morals and
- Title 18 - Zoning. Each of these titles and have been edited to show additions in italics and deletion in strike outs (Attachment 2)

Amendments to Title 6 - Health and Sanitation and Title 9 – Peace, Safety and Morals include the replacement of the term “marijuana” with “cannabis” to be consistent with other town documents and the majority of other jurisdictions as well as the State of California.

Amendments to Title 18–Zoning including the addition of Chapter 18.23– Regulations Pertaining to Personal Cultivation of Medical and Adult Use Cannabis The section also codifies the prohibition of cannabis related businesses and products within the town limits. Numerous words and terms have also been added to the definition section of Title 18. The new regulations permitting, with certain restrictions, indoor and outdoor cultivation have been added to Section 18.08.020 Permitted and Conditional Uses in Residential Districts. Chapter 18.23 has been added which specifies the setback requirements and visibility requirements for personal outdoor cultivation.

When adopted by the Council, this ordinance will supersede urgency Ordinance No. 978 Approved by the Council on August 21, 2018.

The Draft Zoning Ordinance proposes the following key provisions:

General

- Establishes the intent, purpose and applicability of the cannabis ordinance.
- Includes additional definitions related to cannabis uses and regulations.
- Requires that the planting, harvesting, drying, or processing of cannabis for personal use shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious odor, smoke, traffic, vibration or other impacts or be hazardous due to use or storage of materials, processes, products or waste associated with cannabis cultivation.
- Provides that a violation of the ordinance may be deemed an infraction or misdemeanor.
- Prohibits the sale or distribution of personally cultivated cannabis products of any kind.

Businesses:

- Prohibits medical and adult-use cannabis businesses from locating within the Town of Corte Madera.
- Allows deliveries that originate from an authorized licensed business outside of the jurisdictional boundaries of Corte Madera into Corte Madera of medical or adult-use cannabis to legally qualified patients or persons 21 years of age or older.

Personal Cultivation:

- The personal cultivation of medical and/or adult use cannabis is limited to no more than six mature plants per a primary residence (to the extent allowed under California Health and Safety Codes §§ 11362.2 and 11362.77), regardless of the number of residents and regardless of the presence of an accessory or junior accessory dwelling unit.
- All cannabis plants and any cannabis products derived from the plants shall be maintained in a locked or secured structure, space, or enclosure, and shall not be visible at street level, with the unaided eye, from a public right-of-way, park or school.
- Personal cultivation by a tenant or lessee is allowed only with the current property owner(s) written consent.

Outdoor

- Outdoor personal cultivation of any kind is only allowed in R-1, R-1-A, R-1-B and R-1-C Zoning Districts.
- Cannabis plants shall be located at least 10 feet from all property boundaries and not be located in a front or street side yard setback and shall not be visible at the street level with the unaided eye from public rights of way, public parks or schools.
- Outdoor personal cultivation is prohibited on any parcel or within any structure that has a non-residential zoning designation even if the parcel is currently occupied by a residential structure or use.

- Outdoor cultivation for personal use is prohibited on parcels that share one or more property lines, with a school property. "School" as defined by the Health and Safety Code Section 11362.768.

Indoor

- Indoor personal cultivation of cannabis is permitted within a private residence or within a fully enclosed and secure accessory structure to a private residence that is constructed in accordance with all applicable Planning, Building, and Fire codes.

The Council also directed staff not to create additional restrictions on indoor cultivation beyond what is stated in State law even though state law allows municipalities to adopt reasonable regulations. Staff has developed a simple educational handout as an informational guide for persons interested in constructing safe and efficient indoor cultivation areas (Attachment 3).

Staff has prepared the draft documents for review and consideration by the Planning Commission. Following the public hearing, staff will revise the documents as necessary for presentation and ultimate review and adoption by the Town Council prior to the expiration of the emergency ordinance expiration in September 2019.

ENVIRONMENTAL IMPACT:

The proposed ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) as it has no potential for causing a significant impact on the environment and 15308 as a regulatory action that will protect the environment.

OPTIONS:

1. Approve the resolution as presented.
2. Approve the resolution with modifications.
3. Continue this item to a future date.

ATTACHMENTS:

1. Draft Resolution #19-014
2. Draft Cannabis Ordinance #???
3. Draft Indoor Personal Cultivation Guidelines
4. December 4, 2018 Town Council Staff report without attachment and December 4, 2018 minutes

Attachment 1 - Draft Resolution #19-014

**CORTE MADERA PLANNING COMMISSION
RESOLUTION NO. 19-014**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
CORTE MADERA RECOMMENDING THE COUNCIL ADOPT ORDINANCE
??? AMENDING TITLES 6-HEALTH AND SANITATION, TILE 9 - PEACE,
SAFETY AND MORALS AND TITLE 18 – ZONING OF THE CORTE MADERA
MUNICIPAL CODE REGARDING CANNABIS REGULATIONS**

WHEREAS, since 1996 when voters approved Proposition 215 the State of California has passed many propositions and enacted numerous laws regarding the use, possession and production of medicinal and adult use cannabis and cannabis products; and

WHEREAS, Corte Madera has approved several urgency ordinances prohibiting cannabis related businesses from operating within the Town until the Town develops their own cannabis regulations; and

WHEREAS, the last urgency ordinance prohibiting cannabis related businesses expires on September 19, 2019 and cannot be extended; and

WHEREAS, the Town Council has directed staff to develop an ordinance which prohibits cannabis related businesses of all kinds except for delivery businesses that originate from outside of Corte Madera and restricts outdoor cultivation but does not impose additional restrictions on indoor cultivation; and

WHEREAS, on March 15, 2019, notice of the Planning Commission public hearing was posted on the Town website and posted in three public places; and

WHEREAS, on March 16, 2019, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, various times between Friday, March 22nd and Tuesday March 26th a notice was posted on the marquee sign at the Town Park; and

WHEREAS, on March 26, 2019, the Planning Commission held a legally noticed public hearing on the proposed Ordinance Amendments attached as Exhibit A, received a report from staff and received comments from the public; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Town of Corte Madera does hereby find and resolve as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. Record

The Record of Proceedings (“Record”) upon which the Planning Commission makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) all staff reports, Town files and records and other documents prepared for and/or submitted to the Planning Commission relating to these zoning ordinance amendments, (3) all documentary and oral evidence received at public hearings or submitted to the Town relating to the zoning ordinance amendments, and (4) all matters of common knowledge to the Planning Commission and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, and records related to development within the Town and its surrounding areas.

3. Compliance with the California Environmental Quality Act (CEQA)

Based on the fact, analysis and findings contained in Planning Commission Resolution 19-014, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and as a regulatory action that will protect the environment, and is not subject to CEQA. (CEQA Guidelines Section 15061 (b)(3) and 15308)

4. General Plan Consistency

The Planning Commission of the Town of Corte Madera does hereby find that the proposed Zoning Ordinance Amendments regarding prohibition of cannabis businesses and regulating personal outdoor cannabis cultivation as shown in Exhibit A are consistent with the 2009 General Plan policies and programs. The specific policies and programs on which the Planning Commission makes this finding include, but are not limited to:

Implementation Program LU-1.1a; Ordinance Revisions

Prepare and adopt revisions to the Municipal Code, including the Zoning and Subdivision Ordinances that organize and update existing resolutions and ordinances of the Town to ensure consistency with the General Plan, including land uses, lot sizes and floor area ratios. Uses and structures made non-conforming by adoption of the General Plan will be allowed to be continued, and further addressed in the Zoning Ordinance update.

Implementation Program LU-2.3.a: Code Enforcement

Continue zoning, building and fire code enforcement to ensure compliance with development and maintenance regulations as well as health and safety standards.

Implementation Program PSH - 8.1.a: Enforce California Building Code

Enforce requirements of the California Building Code, including seismic design provisions, as part of the building permit issuance and inspection process.

Implementation Program PSH - 8.1.b: Adopt Updated CBC

Adopt updated versions of the California Building Code to address new technical and structural requirements that improve safety.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town of Corte Madera Planning Commission forward its recommendation to the Town Council to adopt the Zoning Ordinance amendments listed in Attachment 1, attached in Exhibit A.

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on March 26, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

Chair

Adam Wolff, Planning Director

EXHIBIT A

ZONING ORDINANCE AMENDMENT
(Corte Madera Municipal Code

Title 6 – Health and Sanitation, Tile 9 - Peace, Safety and Morals and Title 18 - Zoning.)

Note: Text proposed for removal is indicated with a strikethrough (example). Text proposed to be added is shown as underlined (example).

Section 5. Amendments to the Corte Madera Municipal Code

Title 6- Health and Sanitation

6.14.010 – Definitions

22. "Smoke" means the gases and particles released into the air by combustion, electrical ignition or vaporization, including from an electronic smoking device, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the resulting gases, particles or vapors combustion products, such as, for example, tobacco smoke, and ~~marijuana~~ cannabis smoke, except when the combusting material contains no tobacco or cannabis and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense.

6.14.110 - Smoking and smoke generally.

B. Notwithstanding any other provision of this chapter, smoking ~~marijuana~~ cannabis for medical purposes as permitted by California Health and Safety Code sections 11362.7 et seq. is not prohibited by this chapter.

Title 9 Peace Safety and Morals

Chapter 9.14 - CONTROLLED SUBSTANCES

9.14.010 - Minors. No owner, manager, proprietor or other person in charge of any room in any place of business selling or displaying for the purpose of sale any device, contrivance, instrument or paraphernalia for smoking, injecting or consuming ~~marijuana~~ cannabis, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than a drug for which a prescription has been issued, shall allow or permit any person under the age of eighteen years to be, remain in, enter, or visit such room unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian.

9.14.020 - Minors excluded. No person under the age of eighteen shall be, remain in, enter or visit any room in any place used for the sale, or displaying for the purpose of sale, of devices, contrivances, instruments or paraphernalia for smoking, injecting, or consuming ~~marijuana~~ cannabis, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than a drug for which a prescription has been issued, including roach clips, unless such person is accompanied by one of his or her parents or his or her legal guardian.

• **9.14.030 - Sale and display rooms.**

A person shall not maintain in any place of business to which the public is invited the display for sale, or the offering to sell, of devices, contrivances, instruments or paraphernalia for smoking, injecting, or consuming ~~marijuana~~ cannabis, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than drugs for which a prescription has been issued, including roach clips, unless such display or offering is maintained within a separate room or enclosure from which minors not accompanied by a parent or legal guardian are excluded.

Each entrance to such a room shall be posted with a sign in reasonably visible and legible words, with letters at least two inches in height, that minors, unless accompanied by a parent or legal guardian, are excluded.

9.14.040 - Same—Nuisance.

The distribution or possession for the purpose of sale, exhibition or display in any place of business from which minors are not excluded as set forth in this section of devices, contrivances, instruments, or paraphernalia for smoking, injecting or consuming ~~marijuana~~ cannabis, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than drugs for which a prescription has been issued, including roach clips, is hereby declared to be a public nuisance, and may be abated pursuant to the provisions of Section 731 of the California Civil Procedure Code. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter.

Title 18 Zoning

A. Amend Section 18.02.120 as follows:

~~**18.02.120 — Medical marijuana Cannabis dispensaries prohibited.** A medical marijuana cannabis dispensary, for medical or adult use, is not an allowable use in any zoning district within the town. The establishment or operation of a medical marijuana cannabis dispensary in the Town is hereby expressly prohibited in all zoning districts of the Town.~~

~~No permit, variance, building permit, approval or any other applicable license or entitlement for use, including, but not limited to any land use entitlement, or the issuance of a business license, shall be approved or issued for the establishment or operation of a medical marijuana cannabis dispensary in the town.~~

18.02.120 - Prohibition of Cannabis –Related Businesses:

- A. Medicinal cannabis facilities are prohibited in all zones in the Town and shall not be established or operated anywhere in the Town.
- B. Non-medicinal cannabis facilities are prohibited in all zones in the Town and shall not be established or operated anywhere in the Town.
- C. No person may own, establish, open, operate, conduct, or manage a medicinal cannabis facility or non-medicinal cannabis facility in the Town, or be the lessor of property where a medicinal cannabis facility or non-medicinal cannabis facility is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any medicinal cannabis facility or non-medicinal cannabis facility in the Town.
- D. No use permit, site plan and design review permit, tentative map, parcel map, variance, grading permit, building permit, business license, certificate of occupancy, or other zoning, subdivision, encroachment or other Town permit will be accepted, approved, or issued for the establishment or operation of a medicinal cannabis facility or non-medicinal cannabis facility. Any such permit issued in error shall be null and void.
- E. Cannabis products may be delivered from a qualified and licensed cannabis business physically located outside the Town of Corte Madera to a person who is at least twenty-one (21) years of age or a person who is at least eighteen (18) years of age and a qualified cannabis patient in compliance state law.
- F. Nothing contained in this section shall be deemed to permit or authorize any use or activity that is otherwise prohibited by any state law.

B. Repeal Section 18.04.500 "Medical Marijuana Dispensary" and Replace it with a new Section 18.04.102 "Cannabis Dispensary" as follows:

~~18.04.500—Medical marijuana dispensary.~~

- (a) ~~"Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the resin extracted from any part of the plant; cannabis; concentrated cannabis; edible products containing any part of marijuana; any form of marijuana that may be eaten, injected, ingested, digested or otherwise introduced into the human body; and every active compound, manufacture, derivative, or preparation of the plant, or resin.~~
- (b) ~~"Medical marijuana dispensary" means any location, structure, vehicle, store, co-op, residence, storefront or mobile retail outlet (as "storefront" and "mobile retail outlet" are used in Cal. Health and Safety Code Sec. 11362.768) or similar facility used, in full or in part, as a place at or in which or from which marijuana is sold, traded, exchanged, or bartered for in any way, whether or not said sale, trade, exchange or barter is accomplished by or through a club, membership, collective, cooperative, other entity or organization or in any other manner. "Collective" and "cooperative" shall have the same meaning as set forth in the "State Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use", August 2008. "Medical Marijuana Dispensary" shall include but not limited to facilities which make available and/or distribute marijuana in accordance with California Health and Safety Code Sec. 11362.5 et seq.~~
- (e) ~~"Medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise permitted by this code: a pharmacy regulated under Chapter 9, Division 2 of the Business and Profession Code and/or the Federal Controlled Substances Act of 1970 and its implementing regulations; a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the California Health and Safety Code; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as long as any such use complies strictly with applicable law, including, but not limited to California Health and Safety Code Sections 11362.5 et seq.~~

18.04.102 - Cannabis dispensary.

- (a) "Cannabis" means all parts of the plant cannabis sativa L., whether growing or not, the resin extracted from any part of the plant; cannabis; concentrated cannabis; edible products containing any part of cannabis; any form of cannabis that may be eaten, injected, ingested, digested or otherwise introduced into the human body; and every active compound, manufacture, derivative, or preparation of the plant, or resin.

- (b) "Cannabis dispensary" means any location, structure, vehicle, store, co-op, residence, storefront or mobile retail outlet (as "storefront" and "mobile retail outlet" are used in California Health and Safety Code Sec. 11362.768) or similar facility used, in full or in part, as a place at or in which or from which cannabis is sold, traded, exchanged, or bartered for in any way, whether or not said sale, trade, exchange or barter is accomplished by or through a club, membership, collective, cooperative, other entity or organization or in any other manner. "Collective" and "cooperative" shall have the same meaning as set forth in the "State Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use", August 2008. "Cannabis dispensary" shall include but not limited to facilities which make available and/or distribute cannabis in accordance with California Health and Safety Code Sec. 11362.5 et seq.
- (c) "Cannabis dispensary" shall not include the following uses, as long as the location of such uses are otherwise permitted by this code: a pharmacy regulated under Chapter 9, Division 2 of the Business and Profession Code and/or the Federal Controlled Substances Act of 1970 and its implementing regulations; a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the California Health and Safety Code; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as long as any such use complies strictly with applicable law, including, but not limited to California Health and Safety Code Sections 11362.5 et se

C. Amendment to Section 18.08.020 - Permitted and condition uses in residential districts as follows:

The following schedule indicates by the symbol "X" the uses that are permitted uses and the uses that are conditional uses in each residential district:

Permitted Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(1) Single-family dwellings	X	X	X	X	X
(2) Multiple dwellings	X				
(3) Home occupations, complying with the provisions of Section 18.08.030(1)	X	X	X	X	X
(4) Incidental and accessory structures and uses for the exclusive use of residents on the site and their guests limited to the following:					
(A) Garages and carports	X	X	X	X	X
(B) Garden structures, including, but not limited to, arbors and pool houses.	X	X	X	X	X
(C) Greenhouses	X	X	X	X	X
(D) Storage buildings	X	X	X	X	X
(E) Recreation rooms	X	X	X	X	X
(F) Hobby shops and studios not containing noisy or objectionable machinery or equipment, and not involving on-premises sales	X	X	X	X	X
(5) Keeping of household pets not exceeding three adult pets of any given species, not exceeding six pets total	X	X	X	X	X
(6) Temporary subdivision sales offices complying with Section 18.08.030(3)	X	X	X	X	X
(7) Private swimming pools and hot tubs complying with the provisions of Section 18.08.030(4)	X	X	X	X	X
(8) Residential care facilities as defined in Section 18.04.650	X	X	X	X	X
(9) Group homes for six or fewer persons	X	X	X	X	X
(10) Small family day care home	X	X	X	X	X
(11) One accessory dwelling unit or junior accessory dwelling unit which conforms with the size and standards of Chapter 18.31 of this title	X	X	X	X	X

(12) Keeping of chickens (excluding roosters, quacking ducks, guinea fowl or pea fowl) in compliance with the provisions of Chapter 18.21	X	X	X	X	X
(13) <i>Outdoor Personal Cultivation of Cannabis in compliance with the provisions of Chapter 18.23</i>		X	X	X	X
(14) <i>Indoor Personal Cultivation of Cannabis in compliance with the provisions of Chapter 18.23</i>		X	X	X	X

¹ Large family day care home permit, pursuant to Section 18.08.030.

(Ord. 898 §§ 3—6, 2007; Ord. 886 §§ 1, 2, 2004; Ord. 785 § 3(b) (part), 1994)

(Ord. No. 910, § 11, 4-21-2009; Ord. No. 917, § 5, 1-5-2010; Ord. No. 931, §§ 5—7, 3-20-2012; Ord. No. 961, § 6, 12-6-2016; Ord. No. 962, § 6, 12-6-2016;

The following Chapter shall be added to Title 18 of the Corte Madera Municipal Code

Chapter 18.23

**REGULATIONS PERTAINING TO PERSONAL CULTIVATION OF MEDICAL
AND ADULT USE CANNABIS**

Sections:

18.23.010	Purpose and intent
18.23.020	Definitions
18.23.030	Requirements for the Personal Cultivation of Cannabis
18.23.040	Sale of Cannabis Prohibited

18.23.010 Purpose and intent

Regulate the cultivation of medical and adult use cannabis in a manner that is consistent with State law and which balances the needs of medical patients and their caregivers and the interests of personal use cultivators, while promoting the health, safety and welfare of the residents and businesses within the Town and to provide for the health, safety and welfare of the public; and to ensure that cannabis grown for medical and adult-use purposes remains secure and does not find its way to persons under the age of twenty-one or to illicit markets. The purpose of the ordinance is also to prohibit medical and adult-use cannabis businesses within the Town of Corte Madera limits. Nothing in this section is intended to impair any defenses available to qualified patients or primary caregivers or adult-use of cannabis under the applicable State law. Nothing in this section is intended to authorize the cultivation, possession, or use of cannabis in violation of State law.

18.23.020 Definitions

For purposes of this Article, the following definitions shall apply, unless indicated otherwise. Additional definitions are in CMMC Chapter 18.04.

“Abatement” means the removal of cannabis plants and improvements that support cannabis cultivation which are in excess of the number of plants allowed to be cultivated under this Article.

"Accessory structure" means a building or structure which is incidental to the main building on the same site and the use of which is accessory to the use of the site or the use of the main building on the site. An accessory structure that shares a common wall with a main building shall be deemed a part of the main building. An accessory structure shall not be located in a required front or side yard in any district.

“Adult-Use Cannabis” definition is set forth in Business and Professions Code § 26000(2) and shall be synonymous with "Adult-Use cannabis".

“Adult-Use Cannabis Facility” means any building, facility, use, establishment, property, or location where any person or entity establishes, commences, engages in, conducts, or carries on, or permits another person or entity to establish, commence, engage in, conduct, or carry on, any activity that requires a state license or nonprofit license under Business and Professions Code §§

26000(2) et seq., including but not limited to cannabis cultivation, cannabis distribution, cannabis transportation, cannabis storage, manufacturing of cannabis products, cannabis processing, the sale of any cannabis or cannabis products, and the operation of a cannabis microbusiness. An "adult-use cannabis facility" includes any "commercial cannabis activity" as defined by Business and Professions Code § 26001(k).

"Bedroom" means any room or other space within a dwelling unit intended or designed to be used for sleeping purposes, including provisions for light, ventilation and egress.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means cannabis as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and adult use cannabis and medical and adult use cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

"Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

"Cultivation site" means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

"Fully enclosed and secure structure" means a space within a building, greenhouse or other legal structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.

"Indoors" means located completely within a fully roofed, enclosed and secure structure.

"Marijuana" means same meaning as cannabis, as defined in this Article.

"Medicinal or medical cannabis" is defined as set forth in Business and Professions Code § 26001(ai) and shall be synonymous with "medical cannabis".

"Outdoors" means any location within the Town that is not within a fully enclosed and secure structure.

"Lot" means a parcel of subdivided land which is shown on a duly approved and recorded subdivision map, or is otherwise legally created.

“Personal” means for individual cultivation and consumption of cannabis products. Not for commercial or retail sales.

“Premises” means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels under a common ownership shall constitute a single “premises” for purposes of this Article.

“Primary caregiver” means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health, or safety of that person - California Health and Safety Code 11362.5(e).

“Private residence” means any house, apartment unit, mobile home, or other similar dwelling.

“Qualified patient” means a “qualified patient” as defined in Section 11362.7(f) of the Health and Safety Code, as may be amended from time to time.

“Residential structure” means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation on a premises or legal parcel located within a zoning district that allows residential uses. Also see Residence as defined in CMMC Section 18.04.645.

“Sale or sell” means any transaction whereby, for any consideration including trades, barter, or exchanges, title to cannabis or cannabis products is transferred from one person to another.

“School” means an institution of learning for persons under twenty-one (21) years of age, whether public or private, offering regular course of instruction including, without limitation, a kindergarten, elementary school, middle or junior high school, or senior high school.

18.23.030 Requirements for the Personal Cultivation of Cannabis

G. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the Town to cause or allow such parcel to be used for the indoor or outdoor cultivation of cannabis plants except as provided in subsections B. and C. of this section.

H. Persons permitted to cultivate cannabis indoors or outdoors.

- a. Only a person who is at least eighteen (18) years of age and a qualified patient or an adult who is at least twenty-one (21) years of age, may engage in indoor or outdoor cultivation of cannabis.
- b. The person cultivating the cannabis shall reside full-time (at least 51% of the time over a given year) on the premises where the cultivation of cannabis occurs.

I. Cultivation Standards. Cannabis cultivation within the Town shall be in conformance with the following standards:

- a. General
 - i. Personal cultivation of any kind is only allowed in R-1, R-1-A, R-1-B and R-1-C Zoning Districts.

- ii. Personal cultivation of any kind on any parcel or within any structure that is not Zoned R-1, R-1-A, R-1-B, R-1-C even if they are currently occupied by a residential structure or use is prohibited.
- iii. The personal cultivation of medical and/or adult use cannabis is limited to no more than six mature plants per a primary residence (to the extent allowed under California Health and Safety Codes §§ 11362.2 and 11362.77), regardless of the number of residents and regardless of the presence of an accessory or junior accessory dwelling unit.
- iv. Cultivation areas, cannabis plants and any cannabis products derived from the plants shall be completely secured, including roof covering, by locked doors or gates or other security device that prevents unauthorized entry and shall not be visible from a public right-of-way, park or school.
- v. The use of gas products (CO₂, butane, etc.) or generators for cannabis cultivation or processing is prohibited.
- vi. A parcel that is being used for cannabis cultivation must include a legal residence that shall be occupied and is required to maintain a functioning kitchen and bathroom(s), and the use of the primary bedrooms for their intended purpose.
- vii. The planting, harvesting, drying, or processing of cannabis for personal use shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious odor, smoke, traffic, vibration or other impacts or be hazardous due to use or storage of materials, processes, products or waste associated with cannabis cultivation.
- viii. Personal cultivation is allowed only with the current property owner(s) written consent.
- ix. The sale of personally cultivated cannabis products of any kind is prohibited.

b. Indoor

- i. Indoor cannabis cultivation is permitted within a private residence, within a roofed, fully enclosed and secure accessory structure, constructed and located in compliance with CMMC and current applicable Building and Fire Codes.
- ii. Indoor cannabis cultivation shall comply with all applicable regulations of the CMMC and the California Building, Electrical and Fire Codes as adopted by the Town.
- iii. Modifications to existing structures or plumbing, electrical, or mechanical systems for construction of indoor cannabis cultivation areas may require a permit from the Building Department.

c. Outdoor

- i. Any parcel where cannabis is cultivated in a yard, or in an accessory structure which is not fully enclosed or secure and is located within a yard, must be enclosed by a solid fence at least six feet (6') in height with a locked gate or gates, which conforms to the fencing requirements in Title 18, Section 18.16 of the CMMC.
- ii. Cannabis plants and equipment shall not be visible from a public right-of-way, park or school, there shall be no visible exterior evidence of cannabis cultivation.
- iii. Personal cultivation of cannabis plants and growing equipment shall be located at least 10 (ten) feet from all property boundaries.

- iv. Cannabis plants and growing equipment shall not be located in a front or street side yard setback and shall not be visible from public rights of way, public parks or schools.
- v. Outdoor cultivation for personal use is prohibited on parcels that share one or more property lines with a school property.

18.23.040 Sale of Cannabis Prohibited

It shall be unlawful for any person cultivating cannabis for personal use pursuant to this Chapter to sell or offer for sale the cannabis permitted to be grown under this Chapter.

Attachment 2 Draft Cannabis Ordinance No. 19/XXX

DRAFT

ORDINANCE NO. 19/XXX

AN ORDINANCE OF THE TOWN COUNCIL OF CORTE MADERA ADOPTING AMENDMENTS TO TITLE 6–HEALTH AND SANITATION, TITLE 9 - PEACE, SAFETY AND MORALS AND TITLE 18 – ZONING OF THE CORTE MADERA MUNICIPAL CODE REGARDING CANNABIS REGULATIONS

WHEREAS, Corte Madera is a vital and active Town that retains a strong sense of community. The Town strives to retain this atmosphere and a diverse mix of business establishments while promoting the long-term economic health of the community as a whole; and

WHEREAS, Corte Madera desires to protect its existing character, including its vibrant and diverse business sector and at the same time create a supportive environment for a variety of uses, including existing residential areas, to thrive in a manner consistent with the community character; and

WHEREAS, in September 2015, the California Legislature adopted the *Medical Cannabis Regulation and Safety Act* (MCRSA) in effort to clarify and establish a statewide regulatory framework to oversee the medical cannabis-related businesses; and

WHEREAS, on November 8, 2016, California voters approved Proposition 64, known as the *Control, Regulate and Tax Adult Use of Marijuana Act* (with a designated short title of the “Adult Use of Marijuana Act,” or “AUMA”), which, among other things, legalized the adult use of marijuana for individuals 21 years of age or older and established a state-wide scheme to license businesses in the adult use cannabis-related industry; and

WHEREAS, on June 15, 2017, the California Legislature passed SB 94 known as the “Medicinal and Adult-Use Cannabis Regulations and Safety Act” (with a designated short title of “MAUCRSA”) to combine regulations pertaining to adult use and medical cannabis, and coordinate government oversight of the State’s medical and adult use cannabis industries into one master regulatory regime. The State began issuing licenses to medical and adult use cannabis-related businesses after January 1, 2018; and

WHEREAS, under State law, the Town retains the authority to prohibit any cannabis businesses from operating within its borders, and to the extent such businesses are allowed to operate in the Town, the Town may impose additional regulations on those businesses than those imposed by the State; and

WHEREAS, the Town of Corte Madera currently prohibits “medical marijuana dispensaries” within the Town’s boundaries, as such uses are defined in the Town’s Zoning Ordinance, but does not currently expressly prohibit adult use marijuana dispensaries or any other business related to medical or adult use cannabis from operating in the Town, nor does it impose any industry-specific regulations on those businesses; and

WHEREAS, to adopt permanent cannabis industry specific zoning amendments, the Planning Commission and then Town Council must proceed through a public hearing process – with careful analysis and appropriate community outreach and engagement – to determine whether any cannabis-related businesses should be allowed to operate in the Town and, if allowed to operate, how those businesses should be regulated; and

WHEREAS, on September 19, 2017, the Town Council of Corte Madera adopted an urgency ordinance (Corte Madera Ordinance No. 971) pursuant to California Government Code Section 65858 temporarily prohibiting all medical and adult use cannabis-related businesses from locating and operating in the Town of Corte Madera pending the analysis and consideration of new zoning amendments and other regulations appropriate for this new industry. Ordinance No. 971 remained in effect for 45 days from its adoption, until November 3, 2017; and

WHEREAS, as required by Section 65858(d), the Corte Madera Town Council has accepted, by approving Resolution 52/2017 on October 17, 2017, a report describing the measures taken to alleviate the conditions that led to the adoption of Ordinance 971. Such measures include: 1) Town staff gathering information and conducting additional research related to the types and operational characteristics of the cannabis-related business industry; 2) staff attending seminars related to regulatory best practices; 3) staff discussing and sharing information with planning staff from other local jurisdictions to understand the regional regulatory response and other jurisdiction's policy direction; and 4) staff initiating the development of a draft work plan, including a general timeline for obtaining public input and conducting required public hearings for zoning amendments. These efforts were intended to deepen staff's understanding of the new cannabis industry and identify key issues that should be considered by the Planning Commission and Council when assessing new regulations to govern the cannabis industry; and

WHEREAS, on October 17, 2017, the Council extended Ordinance No. 971 another 10 months and 15 days (with the approval of Ordinance 972) through the date of September 18, 2018, giving the Town time to complete that process without imposing an immediate threat to public health, safety and welfare to Corte Madera residents; and

WHEREAS, Town Council accepted a report describing the measures taken to alleviate the condition which led to the adoption of Interim Ordinance No. 971 for the temporary prohibition of medical and adult use cannabis-related businesses from locating and operating within the Town of Corte Madera (Resolution 48/2018); and

WHEREAS, on August 21, 2018, Ordinance No. 978 was approved by the Town Council which extend Ordinance Nos. 971 and 972 for one additional year to September 18, 2019, the final extension under Cal. Gov't Code Section 65858; and

WHEREAS, on September 12, 2018 and September 15, 2018 Town of Corte Madera staff conducted public workshops at Town Hall that were widely publicized and well attended to provide information about regulations regarding medical and adult use cannabis including whether to allow cannabis businesses in Town and whether to restrict personal outdoor and indoor cultivation; and

WHEREAS, on October 23, 2018, the Planning Commission held a legally noticed public meeting regarding the development of a Town ordinance regulating cannabis-related businesses and personal

cultivation which included a summary of the public workshops and a summary of the public opinion

survey; and

WHEREAS, at the conclusion of the Planning Commission meeting on October 23, 2018, the general consensus of the Commissioners was that the Town should allow outdoor cultivation with some restrictions and indoor cultivation as required by the State without additional regulations, and should allow businesses located outside of the Town to deliver cannabis to Corte Madera locations; and

WHEREAS, at the December 4, 2018, Town Council hearing, staff presented an overview of cannabis legislation at the State and local level as well as a summary the Planning Commission hearing and information and comments collected during the public workshops and public survey; and

WHEREAS, also at the December 4, 2018, Town Council hearing, the issue of whether or not the Town should permit cannabis-related businesses and the impact cannabis businesses and outdoor cannabis cultivation may have on minors were discussed and in general, the Council was supportive of continuing medical deliveries based on the understanding that under current State law, the Town would not be able to prohibit or regulate deliveries into the Town; and

WHEREAS, also at the December 4, 2018, Town Council hearing, Council members were generally supportive of outdoor cultivation with the development of reasonable regulations of where the outdoor cultivation can be located to prevent nuisance issues such as odor, visibility, and crime and that indoor personal cultivation should not be regulated beyond what is stated in State law; and.

WHEREAS, at the conclusion of the December 4, 2018, Town Council meeting, the Council directed staff to develop a draft ordinance regarding the regulation of cannabis which prohibits cannabis-related businesses, except for deliveries from outside of Corte Madera, provides some restrictions on outdoor cultivation to minimize neighborhood impacts, and, not add any restrictions on indoor cultivation beyond those imposed by the State of California; and

WHEREAS, the unregulated cultivation of cannabis in the Town of Corte Madera can adversely affect the health, safety, and well-being of the Town's residents and environment. Regulating the cultivation of cannabis is proper and necessary to avoid the risks of criminal activity from increased risk of burglary and other property crimes, degradation of the natural environment, offensive odor, fire hazards, and violation of building codes that may result from unregulated cannabis cultivation. Children are particularly vulnerable to the effects of cannabis use, and the presence of cannabis plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including schools, parks, and other similar locations. Further, the potential for criminal activities associated with cannabis cultivation in such locations poses heightened risks that children will be involved or endangered; and

WHEREAS, the indoor cultivation of substantial amounts of cannabis within a residence presents potential health and safety risks to those living in the residence, especially children, including, but not limited to, increased risk of fire from grow light systems; potential adverse effects on the structural integrity of a building; exposure to fertilizers, pesticides and anti-fungal/mold agents; and exposure to potential property crimes targeting the residence; and

WHEREAS, the Town wishes to amend the Corte Madera Municipal Code (CMMC) to implement State law by providing a means for regulating the cultivation of medical and adult use cannabis in a manner that is consistent with State law and which balances the needs of medical patients and their caregivers and the interests of personal use cultivators, while promoting the health, safety and welfare of the residents and businesses within the Town; and

WHEREAS, the Council finds that it is in the interest of the Town and its residents to preserve the quality of life in Corte Madera, and to protect the public health, safety, and general welfare by adopting regulations pertaining to the personal cultivation of cannabis, and the delivery of cannabis and cannabis-related products from outside of Corte Madera; and

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES ORDAIN AS FOLLOWS:

Section 1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

Section 2. Record

The Record of Proceedings (“Record”) upon which the Town Council makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) all staff reports, Town files and records and other documents prepared for and/or submitted to the Planning Commission relating to these zoning ordinance amendments, (3) all documentary and oral evidence received at public hearings or submitted to the Town relating to the zoning ordinance amendments, and (4) all matters of common knowledge to the Town Council and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, and records related to development within the Town and its surrounding areas.

Section 3. Compliance with the California Environmental Quality Act (CEQA)

The proposed ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) as it has no potential for causing a significant impact on the environment and 15308 as a regulatory action that will protect the environment.

Section 4. General Plan Consistency

The Town Council of the Town of Corte Madera hereby finds that the proposed Zoning Ordinance Amendments regarding cannabis regulations are consistent with the 2009 General Plan policies and programs. The Council finds that the proposed ordinance results in changes to the Corte Madera Municipal Code, but no changes are proposed to the General Plan. The proposed ordinance will further protect the public health, safety and/or welfare of Corte Madera residents by prohibiting cannabis-related businesses from locating in Town and regulating personal cultivation of cannabis. These measures are consistent with the policies and programs of the Corte Madera General Plan in all aspects. The specific policies and programs on which the Town Council makes this finding include, but are not limited to:

Implementation Program LU-1.1a Ordinance Revisions

Prepare and adopt revisions to the Municipal Code, including the Zoning and Subdivision Ordinances that organize and update existing resolutions and ordinances of the Town to ensure consistency with the General Plan, including land uses, lot sizes and floor area ratios. Uses and structures made non-conforming by adoption of the General Plan will be allowed to be continued, and further addressed in the Zoning Ordinance update.

Section 5. Amendments to the Corte Madera Municipal Code

Title 6- Health and Sanitation

6.14.010 – Definitions

22. "Smoke" means the gases and particles released into the air by combustion, electrical ignition or vaporization, including from an electronic smoking device, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the resulting gases, particles or vapors combustion products, such as, for example, tobacco smoke, and ~~marijuana~~ ~~cannabis~~ smoke, except when the combusting material contains no tobacco ~~or cannabis~~ and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense.

6.14.110 - Smoking and smoke generally.

B. Notwithstanding any other provision of this chapter, smoking ~~marijuana~~ ~~cannabis~~ for medical purposes as permitted by California Health and Safety Code sections 11362.7 et seq. is not prohibited by this chapter.

Title 9 Peace Safety and Morals

Chapter 9.14 - CONTROLLED SUBSTANCES

9.14.010 - Minors. No owner, manager, proprietor or other person in charge of any room in any place of business selling or displaying for the purpose of sale any device, contrivance, instrument or paraphernalia for smoking, injecting or consuming ~~marijuana~~ ~~cannabis~~, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than a drug for which a prescription has been issued, shall allow or permit any person under the age of eighteen years to be, remain in, enter, or visit such room unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian.

9.14.020 - Minors excluded. No person under the age of eighteen shall be, remain in, enter or visit any room in any place used for the sale, or displaying for the purpose of sale, of devices, contrivances, instruments or paraphernalia for smoking, injecting, or consuming ~~marijuana~~ ~~cannabis~~, hashish, PCP, or

any controlled substance, as defined in the California Health and Safety Code, other than a drug for which a prescription has been issued, including roach clips, unless such person is accompanied by one of his or her parents or his or her legal guardian.

- **9.14.030 - Sale and display rooms.**

A person shall not maintain in any place of business to which the public is invited the display for sale, or the offering to sell, of devices, contrivances, instruments or paraphernalia for smoking, injecting, or consuming ~~marijuana~~ cannabis, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than drugs for which a prescription has been issued, including roach clips, unless such display or offering is maintained within a separate room or enclosure from which minors not accompanied by a parent or legal guardian are excluded.

Each entrance to such a room shall be posted with a sign in reasonably visible and legible words, with letters at least two inches in height, that minors, unless accompanied by a parent or legal guardian, are excluded.

- **9.14.040 - Same—Nuisance.**

The distribution or possession for the purpose of sale, exhibition or display in any place of business from which minors are not excluded as set forth in this section of devices, contrivances, instruments, or paraphernalia for smoking, injecting or consuming ~~marijuana~~ cannabis, hashish, PCP, or any controlled substance, as defined in the California Health and Safety Code, other than drugs for which a prescription has been issued, including roach clips, is hereby declared to be a public nuisance, and may be abated pursuant to the provisions of Section 731 of the California Civil Procedure Code. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter.

Title 18 Zoning

A. Amend Section 18.02.120 as follows:

~~**18.02.120 — Medical-marijuana Cannabis dispensaries prohibited.** A medical-marijuana-cannabis dispensary, for medical or adult use, is not an allowable use in any zoning district within the town. The establishment or operation of a medical-marijuana-cannabis dispensary in the Town is hereby expressly prohibited in all zoning districts of the Town.~~

~~No permit, variance, building permit, approval or any other applicable license or entitlement for use, including, but not limited to any land use entitlement, or the issuance of a business license, shall be approved or issued for the establishment or operation of a medical-marijuana-cannabis dispensary in the town.~~

18.02.120 - Prohibition of Cannabis –Related Businesses:

- A. Medicinal cannabis facilities are prohibited in all zones in the Town and shall not be established or operated anywhere in the Town.
- B. Non-medicinal cannabis facilities are prohibited in all zones in the Town and shall not be established or operated anywhere in the Town.
- C. No person may own, establish, open, operate, conduct, or manage a medicinal cannabis facility or non-medicinal cannabis facility in the Town, or be the lessor of property where a medicinal cannabis facility or non-medicinal cannabis facility is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any medicinal cannabis facility or non-medicinal cannabis facility in the Town.
- D. No use permit, site plan and design review permit, tentative map, parcel map, variance, grading permit, building permit, business license, certificate of occupancy, or other zoning, subdivision, encroachment or other Town permit will be accepted, approved, or issued for the establishment or operation of a medicinal cannabis facility or non-medicinal cannabis facility. Any such permit issued in error shall be null and void.
- E. Cannabis products may be delivered from a qualified and licensed cannabis business physically located outside the Town of Corte Madera to a person who is at least twenty-one (21) years of age or a person who is at least eighteen (18) years of age and a qualified cannabis patient in compliance state law.
- F. Nothing contained in this section shall be deemed to permit or authorize any use or activity that is otherwise prohibited by any state law.

B. Repeal Section 18.04.500 "Medical Marijuana Dispensary" and Replace it with a new Section 18.04.102 "Cannabis Dispensary" as follows:

~~18.04.500—Medical marijuana dispensary.~~

- (a) ~~"Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the resin extracted from any part of the plant; cannabis; concentrated cannabis; edible products containing any part of marijuana; any form of marijuana that may be eaten, injected, ingested, digested or otherwise introduced into the human body; and every active compound, manufacture, derivative, or preparation of the plant, or resin.~~
- (b) ~~"Medical marijuana dispensary" means any location, structure, vehicle, store, co-op, residence, storefront or mobile retail outlet (as "storefront" and "mobile retail outlet" are used in Cal. Health and Safety Code Sec. 11362.768) or similar facility used, in full or in part, as a place at or in which or from which marijuana is sold, traded, exchanged, or bartered for in any way, whether or not said sale, trade, exchange or barter is accomplished by or through a club, membership, collective, cooperative, other entity or organization or in any other manner. "Collective" and "cooperative" shall have the same meaning as set forth in the "State Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use", August 2008. "Medical Marijuana Dispensary" shall include but not limited to facilities which make available and/or distribute marijuana in accordance with California Health and Safety Code Sec. 11362.5 et seq.~~
- (c) ~~"Medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise permitted by this code: a pharmacy regulated under Chapter 9, Division 2 of the Business and Profession Code and/or the Federal Controlled Substances Act of 1970 and its implementing regulations; a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the California Health and Safety Code; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as long as any such use complies strictly with applicable law, including, but not limited to California Health and Safety Code Sections 11362.5 et seq.~~

18.04.102 - Cannabis dispensary.

- (a) "Cannabis" means all parts of the plant cannabis sativa L., whether growing or not, the resin extracted from any part of the plant; cannabis; concentrated cannabis; edible products containing any part of cannabis; any form of cannabis that may be eaten, injected, ingested, digested or otherwise introduced into the human body; and every active compound, manufacture, derivative, or preparation of the plant, or resin.

- (b) "Cannabis dispensary" means any location, structure, vehicle, store, co-op, residence, storefront or mobile retail outlet (as "storefront" and "mobile retail outlet" are used in California Health and Safety Code Sec. 11362.768) or similar facility used, in full or in part, as a place at or in which or from which cannabis is sold, traded, exchanged, or bartered for in any way, whether or not said sale, trade, exchange or barter is accomplished by or through a club, membership, collective, cooperative, other entity or organization or in any other manner. "Collective" and "cooperative" shall have the same meaning as set forth in the "State Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use", August 2008. "Cannabis dispensary" shall include but not limited to facilities which make available and/or distribute cannabis in accordance with California Health and Safety Code Sec. 11362.5 et seq.
- (c) "Cannabis dispensary" shall not include the following uses, as long as the location of such uses are otherwise permitted by this code: a pharmacy regulated under Chapter 9, Division 2 of the Business and Profession Code and/or the Federal Controlled Substances Act of 1970 and its implementing regulations; a clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code; a residential hospice licensed pursuant to Chapter 8.5 of Division 2 of the California Health and Safety Code; or a home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code, as long as any such use complies strictly with applicable law, including, but not limited to California Health and Safety Code Sections 11362.5 et se

C. Amendment to Section 18.08.020 - Permitted and condition uses in residential districts as follows:

18.08.020 - Permitted and conditional uses in residential districts.

The following schedule indicates by the symbol "X" the uses that are permitted uses and the uses that are conditional uses in each residential district:

Permitted Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(1) Single-family dwellings	X	X	X	X	X
(2) Multiple dwellings	X				
(3) Home occupations, complying with the provisions of Section 18.08.030(1)	X	X	X	X	X
(4) Incidental and accessory structures and uses for the exclusive use of residents on the site and their guests limited to the following:					
(A) Garages and carports	X	X	X	X	X
(B) Garden structures, including, but not limited to, arbors and pool houses.	X	X	X	X	X
(C) Greenhouses	X	X	X	X	X
(D) Storage buildings	X	X	X	X	X
(E) Recreation rooms	X	X	X	X	X
(F) Hobby shops and studios not containing noisy or objectionable machinery or equipment, and not involving on-premises sales	X	X	X	X	X
(5) Keeping of household pets not exceeding three adult pets of any given species, not exceeding six pets total	X	X	X	X	X
(6) Temporary subdivision sales offices complying with Section 18.08.030(3)	X	X	X	X	X
(7) Private swimming pools and hot tubs complying with the provisions of Section 18.08.030(4)	X	X	X	X	X
(8) Residential care facilities as defined in Section 18.04.650	X	X	X	X	X
(9) Group homes for six or fewer persons	X	X	X	X	X

Permitted Uses	Multiple Dwelling R-3 and R-2	Medium Density R-1	Low Density R-1-A	Very Low Density R-1-B	Open Residential R-1-C
(10) Small family day care home	X	X	X	X	X
(11) One accessory dwelling unit or junior accessory dwelling unit which conforms with the size and standards of Chapter 18.31 of this title	X	X	X	X	X
(12) Keeping of chickens (excluding roosters, quacking ducks, guinea fowl or pea fowl) in compliance with the provisions of Chapter 18.21	X	X	X	X	X
(13) <i>Outdoor Personal Cultivation of Cannabis in compliance with the provisions of Chapter 18.23</i>		X	X	X	X
(14) <i>Indoor Personal Cultivation of Cannabis in compliance with the provisions of Chapter 18.23</i>		X	X	X	X

¹ Large family day care home permit, pursuant to Section 18.08.030.

(Ord. 898 §§ 3—6, 2007; Ord. 886 §§ 1, 2, 2004; Ord. 785 § 3(b) (part), 1994)

(Ord. No. 910, § 11, 4-21-2009; Ord. No. 917, § 5, 1-5-2010; Ord. No. 931, §§ 5—7, 3-20-2012; Ord. No. 961, § 6, 12-6-2016; Ord. No. 962, § 6, 12-6-2016;

The following Chapter shall be added to Title 18 of the Corte Madera Municipal Code

Chapter 18.23

**REGULATIONS PERTAINING TO PERSONAL CULTIVATION OF MEDICAL AND
ADULT USE CANNABIS**

Sections:

- 18.23.010 Purpose and intent**
- 18.23.020 Definitions**
- 18.23.030 Requirements for the Personal Cultivation of Cannabis**
- 18.23.040 Sale of Cannabis Prohibited**

18.23.010 Purpose and intent

Regulate the cultivation of medical and adult use cannabis in a manner that is consistent with State law and which balances the needs of medical patients and their caregivers and the interests of personal use cultivators, while promoting the health, safety and welfare of the residents and businesses within the Town and to provide for the health, safety and welfare of the public; and to ensure that cannabis grown for medical and adult-use purposes remains secure and does not find its way to persons under the age of twenty-one or to illicit markets. The purpose of the ordinance is also to prohibit medical and adult-use cannabis businesses within the Town of Corte Madera limits. Nothing in this section is intended to impair any defenses available to qualified patients or primary caregivers or adult-use of cannabis under the applicable State law. Nothing in this section is intended to authorize the cultivation, possession, or use of cannabis in violation of State law.

18.23.020 Definitions

For purposes of this Article, the following definitions shall apply, unless indicated otherwise. Additional definitions are in CMMC Chapter 18.04.

“Abatement” means the removal of cannabis plants and improvements that support cannabis cultivation which are in excess of the number of plants allowed to be cultivated under this Article.

"Accessory structure" means a building or structure which is incidental to the main building on the same site and the use of which is accessory to the use of the site or the use of the main building on the site. An accessory structure that shares a common wall with a main building shall be deemed a part of the main building. An accessory structure shall not be located in a required front or side yard in any district.

“Adult-Use Cannabis” definition is set forth in Business and Professions Code § 26000(2) and shall be synonymous with "Adult-Use cannabis".

“Adult-Use Cannabis Facility” means any building, facility, use, establishment, property, or location where any person or entity establishes, commences, engages in, conducts, or carries on, or permits another person or entity to establish, commence, engage in, conduct, or carry on, any activity that requires a state license or nonprofit license under Business and Professions Code §§ 26000(2) et seq., including but not limited to cannabis cultivation, cannabis distribution, cannabis transportation, cannabis storage, manufacturing of cannabis products, cannabis processing, the sale of any cannabis or cannabis products, and the operation of a cannabis microbusiness. An "adult-use cannabis facility" includes any "commercial cannabis activity" as defined by Business and Professions Code § 26001(k).

“Bedroom” means any room or other space within a dwelling unit intended or designed to be used for sleeping purposes, including provisions for light, ventilation and egress.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means cannabis as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and adult use cannabis and medical and adult use cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

“Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

“Fully enclosed and secure structure” means a space within a building, greenhouse or other legal structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.

“Indoors” means located completely within a fully roofed, enclosed and secure structure.

“Marijuana” means same meaning as cannabis, as defined in this Article.

“Medicinal or medical cannabis” is defined as set forth in Business and Professions Code § 26001(ai) and shall be synonymous with "medical cannabis".

“Outdoors” means any location within the Town that is not within a fully enclosed and secure structure.

“Lot” means a parcel of subdivided land which is shown on a duly approved and recorded subdivision map, or is otherwise legally created.

“Personal” means for individual cultivation and consumption of cannabis products. Not for commercial or retail sales.

“Premises” means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels under a common ownership shall constitute a single “premises” for purposes of this Article.

“Primary caregiver” means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health, or safety of that person -California Health and Safety Code 11362.5(e).

“Private residence” means any house, apartment unit, mobile home, or other similar dwelling.

“Qualified patient” means a “qualified patient” as defined in Section 11362.7(f) of the Health and Safety Code, as may be amended from time to time.

“Residential structure” means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation on a premises or legal parcel located within a zoning district that allows residential uses. Also see Residence as defined in CMMC Section 18.04.645.

“Sale or sell” means any transaction whereby, for any consideration including trades, barter, or exchanges, title to cannabis or cannabis products is transferred from one person to another.

“School” means an institution of learning for persons under twenty-one (21) years of age, whether public or private, offering regular course of instruction including, without limitation, a kindergarten, elementary school, middle or junior high school, or senior high school.

18.23.030 Requirements for the Personal Cultivation of Cannabis

G. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the Town to cause or allow such parcel to be used for the indoor or outdoor cultivation of cannabis plants except as provided in subsections B. and C. of this section.

H. Persons permitted to cultivate cannabis indoors or outdoors.

- a. Only a person who is at least eighteen (18) years of age and a qualified patient or an adult who is at least twenty-one (21) years of age, may engage in indoor or outdoor cultivation of cannabis.
- b. The person cultivating the cannabis shall reside full-time (at least 51% of the time over a given year) on the premises where the cultivation of cannabis occurs.

- I. Cultivation Standards. Cannabis cultivation within the Town shall be in conformance with the following standards:
- a. General
 - i. Personal cultivation of any kind is only allowed in R-1, R-1-A, R-1-B and R-1-C Zoning Districts.
 - ii. Personal cultivation of any kind on any parcel or within any structure that is not Zoned R-1, R-1-A, R-1-B, R-1-C even if they are currently occupied by a residential structure or use is prohibited.
 - iii. The personal cultivation of medical and/or adult use cannabis is limited to no more than six mature plants per a primary residence (to the extent allowed under California Health and Safety Codes §§ 11362.2 and 11362.77), regardless of the number of residents and regardless of the presence of an accessory or junior accessory dwelling unit.
 - iv. Cultivation areas, cannabis plants and any cannabis products derived from the plants shall be completely secured, including roof covering, by locked doors or gates or other security device that prevents unauthorized entry and shall not be visible from a public right-of-way, park or school.
 - v. The use of gas products (CO₂, butane, etc.) or generators for cannabis cultivation or processing is prohibited.
 - vi. A parcel that is being used for cannabis cultivation must include a legal residence that shall be occupied and is required to maintain a functioning kitchen and bathroom(s), and the use of the primary bedrooms for their intended purpose.
 - vii. The planting, harvesting, drying, or processing of cannabis for personal use shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious odor, smoke, traffic, vibration or other impacts or be hazardous due to use or storage of materials, processes, products or waste associated with cannabis cultivation.
 - viii. Personal cultivation is allowed only with the current property owner(s) written consent.
 - ix. The sale of personally cultivated cannabis products of any kind is prohibited.
 - b. Indoor
 - i. Indoor cannabis cultivation is permitted within a private residence, within a roofed, fully enclosed and secure accessory structure, constructed and located in compliance with CMMC and current applicable Building and Fire Codes.
 - ii. Indoor cannabis cultivation shall comply with all applicable regulations of the CMMC and the California Building, Electrical and Fire Codes as adopted by the Town.
 - iii. Modifications to existing structures or plumbing, electrical, or mechanical systems for construction of indoor cannabis cultivation areas may require a permit from the Building Department.
 - c. Outdoor
 - i. Any parcel where cannabis is cultivated in a yard, or in an accessory structure which is not fully enclosed or secure and is located within a yard, must be enclosed by a solid fence at least six feet (6') in height with a locked gate or gates, which conforms to the fencing requirements in Title 18, Section 18.16 of the CMMC.

- ii. Cannabis plants and equipment shall not be visible from a public right-of-way, park or school, there shall be no visible exterior evidence of cannabis cultivation.
- iii. Personal cultivation of cannabis plants and growing equipment shall be located at least 10 (ten) feet from all property boundaries.
- iv. Cannabis plants and growing equipment shall not be located in a front or street side yard setback and shall not be visible from public rights of way, public parks or schools.
- v. Outdoor cultivation for personal use is prohibited on parcels that share one or more property lines with a school property.

18.23.040 Sale of Cannabis Prohibited

It shall be unlawful for any person cultivating cannabis for personal use pursuant to this Chapter to sell or offer for sale the cannabis permitted to be grown under this Chapter.

Section 8. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

Section 9. Effective Date

This ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

Section 10 Posting

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

* * * * *

This ordinance was introduced on the — day of __, 2019, and adopted on the XXth day of XXXX, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:
- RECUSED:

MAYOR

ATTEST:

REBECCA VAUGHN
TOWN CLERK

Approved as to form:

Town Attorney of the Town of Corte Madera

Attachment 3 Draft Indoor Personal Cultivation Guidelines



Guidelines for Safe Indoor Cultivation of Cannabis

- Check with the Corte Madera Building Department at 415-927-5062, buildingpermit@tcmmail.org, or our webpage at <https://www.townofcortemadera.org/130/Building> to determine if you need a permit for any work you plan to do.
- Make sure all lights and other equipment are installed by a licensed electrician to prevent fire hazards.
- To prevent mold growth, make sure the walls of your grow area don't easily absorb water (painted concrete or plastic are best).
- Make sure the growing space has plenty of ventilation to get rid of excess heat and moisture.
- Avoid the use of pesticides or fertilizers if possible.
- If pesticides or fertilizers are used, make sure they're stored in locked cabinets per manufacturer's instructions, out of the reach of children. Also, wear personal protective equipment when using pesticides.
- Change clothes and shoes when leaving your indoor grow area to prevent tracking chemicals to other areas of your home.
- Throwing items out when you are done:
 - To throw away any pesticides, herbicides, fertilizers, solvents, and mercury-containing lighting, take these items to an authorized household hazardous waste collection facility. If there isn't one in your area, contact your local health department for information on upcoming waste collection events that may be in your area. Mercury-containing lighting recyclers may be available in your area as well. See Marin Household Hazardous Waste Facility website at <http://marinhhw.com/>
 - To properly throw away marijuana plant or food products, grind up and mix the product with food waste or soil so that no one accidentally eats or uses it. You can then use your household trash or the nearest landfill.
- If you have specific questions about Corte Madera's regulations regarding cannabis businesses and personal cultivation please see our website at <https://www.townofcortemadera.org/799/Cannabis-Ordinance> or contact the Planning Department at 415-927-5064 or plcounter@tcmmail.org


Attachment 4
December 4, 2018 Town Council Staff report without attachment and
December 4, 2018 minutes



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: November 29, 2018
MEETING DATE: December 4, 2018

TO: Honorable Mayor and Members of the Town Council

FROM: Phil Boyle, Senior Planner 
Sean Kennings, Planning Consultant, LAK Assoc.

SUBJECT: Presentation and Discussion of the Development of a Town Ordinance Regulating Cannabis Related Businesses and Personal Cultivation



RECOMMENDED ACTION:

Provide direction to staff regarding polices and regulations for the development of an Ordinance for the Town of Corte Madera potentially regulating cannabis related businesses and/or cultivation of cannabis.

BACKGROUND:

Introduction

The State of California has legalized certain commercial cannabis activity, medicinal and nonmedicinal use of cannabis, and limited cultivation of cannabis for personal use. Additionally, the State has promulgated regulations governing the operations of cannabis businesses in the State. State law allows local governments to ban altogether or impose additional regulations on commercial cannabis businesses operating within their respective jurisdictions.

Additionally, although state law preempts local governments from limiting *indoor* cultivation of cannabis for personal use beyond the number of plants state law allows, local governments are free to reasonably regulate, ban, or restrict *outdoor* cultivation even for personal use.

The aspects of cannabis regulation that the Council may wish to consider directing staff to develop and bring back in a draft ordinance for further discussion and public input include:

- Cannabis Related Businesses – Currently the urgency Ordinance No. 978, which expires on September 19, 2019, prohibits all cannabis related businesses within the Town except for deliveries originating from businesses located outside the Town limits. If the Council wishes to allow certain cannabis related businesses, such as medicinal and/or nonmedicinal retail stores, processing facilities,

testing facilities, delivery facilities or others, it will need to identify which businesses to allow, develop policies that regulate these businesses and establish permitting procedures; and

- Indoor Cultivation for Personal Use- The Council may wish to consider imposing reasonable regulations on indoor cultivation for personal use; and
- Outdoor Cultivation for Personal Use – The Council may wish to consider completely prohibiting or imposing regulations on outdoor cultivation for personal use.

To keep the community informed, staff has created a [Cannabis Ordinance page](#) on the Town’s Website which has all previous ordinances, staff reports, meeting minutes, the public survey results, the public workshop presentations and videos and many links to State and Marin County cannabis related resources.

Summary of California and Corte Madera Cannabis Legislation

In September 2015, the California Legislature adopted the Medical Regulation and Safety Act (MCRSA) in effort to clarify and establish a statewide regulatory framework to oversee the medicinal cannabis-related businesses.

On November 8, 2016, California voters approved Proposition 64, known as the *Control, Regulate and Tax Adult Use of Marijuana Act* (or “AUMA”). In Marin, 69.6% voted “Yes” and 30.4% voted “No” on Proposition 64. This initiative legalized the recreational use of nonmedicinal marijuana for individuals 21 years of age or older and permits small-scale personal cultivation throughout the State.

On June 15, 2017, the State legislature passed new legislation combining and coordinating government oversight of the State’s medicinal and nonmedicinal cannabis-related industries.

Under State law, Corte Madera retains the authority to ban any medicinal and nonmedicinal cannabis-related businesses from operating within the Town and/or adopt additional regulations, beyond those imposed by the State. In response to State legislation and the anticipated January 1, 2018 start date for the State to start issuing licenses to cannabis businesses, Staff presented background information and analysis for the Council to consider in the development of the Town’s own policies and regulations related to medicinal and nonmedicinal cannabis businesses and cultivation of cannabis for personal use. The Council directed staff to create an urgency ordinance that would temporarily prohibit medicinal and nonmedicinal cannabis-related businesses from locating and operating in Corte Madera while the Town undertakes a public process – with appropriate community outreach and engagement – to develop policies and regulations for this emerging industry. The Council adopted the urgency Ordinance No. 971 in September of 2017, extended it in October of 2017, and then approved its final extension on September 19, 2018. The ordinance will expire on September 19, 2019. All previous ordinances and resolutions approved by the Town are also on the [Cannabis Ordinance page](#).

DISCUSSION:

Staff has begun the process of developing a cannabis ordinance by gathering additional information regarding the types of cannabis-related businesses that could be licensed by the State; discussing mobile

delivery business models with industry representatives; attending seminars related to regulatory best practices for cannabis-related businesses; and consulting with planning staff from other local jurisdictions to understand regional regulatory responses and other jurisdiction's policy directions. Staff developed a public opinion survey and held two public workshops in September to educate and take comments from the community. On October 23 the Planning Commission held a public hearing where staff provided an overview of the work that has been accomplished to date. A summary of the October Planning Commission Hearing, both public workshops and the survey results are described below.

Summary of October 23, 2018 Planning Commission Hearing

At the October 23, 2018 Planning Commission hearing, staff presented an overview of cannabis legislation at the State and local level as well as the results of the public opinion survey (Attachment 1). The presentation was very similar to the one provided at the two public workshops. The general consensus of the Commissioners was that the Town should allow indoor cultivation as required by the State without additional regulations, and should allow businesses located outside of the Town to deliver cannabis to Corte Madera locations. Four of the five commissioners recommended that no other types of cannabis businesses should be allowed in Corte Madera.

Some of the issues brought up during the meeting by both the Commission and the public included whether there should be buffers between commercial cannabis uses and residential uses, what the review process should be for permitting cannabis related businesses and the impact cannabis businesses or outdoor cannabis cultivation may have on minors. The minutes from the meeting are attached (Attachment 2) and the video can be reviewed at <https://www.youtube.com/watch?v=qFB-CNRpPOk&t=3583s>

Several comments and questions came up regarding the issue of buffers between cannabis businesses and schools. The State, as part of Health & Safety Code 11362.768 and Business and Professions Code Section 26054, established that no medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medicinal cannabis shall be located within a 600-foot radius of a school. The texts of both code sections are attached (Attachment 3). Other jurisdictions have established additional buffers separating personal cultivation from schools and this is an option for Corte Madera if the Council wishes to enact additional buffers.

The Commission asked if either the Village or the Town Center has been approached by cannabis businesses and if either center would be open to leasing space to such a business. Staff contacted both centers and neither has been approached by cannabis businesses nor are they interested in allowing them within their centers at this time. Staff also noted that if the Town allowed any type of cannabis related business it would likely require a use permit and such businesses would be restricted to certain zoning districts.

Both certain members of the public and the Commission expressed concern about the potential impact of cannabis businesses and cultivation on minors (individuals under 21 years of age) and that steps should be taken to avoid cannabis being "normalized" as has been done with alcohol. Others noted that the majority of Californians and citizens of Marin voted to legalize cannabis use and allowing cannabis businesses to operate in the Town could provide revenue for the Town.

Staff provided a number of handouts regarding cannabis that were available at the meeting and are also available on the Town's website at the [Cannabis Ordinance page](#). The Planning Commission Chair also provided handouts from the National Institute on Drug Abuse, the Center for Disease Control and the National Academies of Sciences (Attachment 4).

Summary of Public Workshops

The first public workshop was held on Wednesday evening, September 12th at Town Hall and was attended by approximately 23 people. Of the 23 individuals that signed in, 18 gave their address as within the Town. The second public workshop was held on Saturday morning, September 15th also at Town Hall, 16 people signed in, and 15 provided addresses within the Town. The workshops were publicized on the Town's website, on the reader board in front of the community center, as well as on Nextdoor.

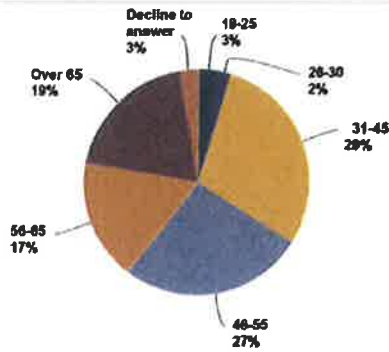
At the workshops, staff presented a detailed overview of the various types of cannabis and cannabis products, local and State legislation as well the different types of businesses and licenses that are permitted by the State if Corte Madera chooses to allow them. Staff defined personal cultivation, both indoor and outdoor, and explained the ways in which state law would allow the Town to regulate personal cultivation should it choose to do so. Videos of the workshops, the handouts provided and the sign-in sheets are available on the [Cannabis Ordinance page](#).

Public Survey Results

A [public opinion survey](#) was posted on the Town's website on September 7th and the final day to take the survey was November 4, 2018. The survey was publicized in the Town newsletter, at both public workshops, and on Nextdoor. The intent of the survey is to gather information and opinions from residents, business people and others as to their views concerning cannabis regulation in Corte Madera. Questions were asked regarding demographic information, medicinal cannabis and non-medicinal cannabis businesses, indoor and outdoor cultivation as well as what effect outdoor cannabis cultivation might have on the community. As of November 4, 2018, a total of 409 surveys were completed with 81% of the respondents being Corte Madera homeowners. Below are some of the results of the survey. A complete printout of all the questions and responses is attached (Attachment 2)

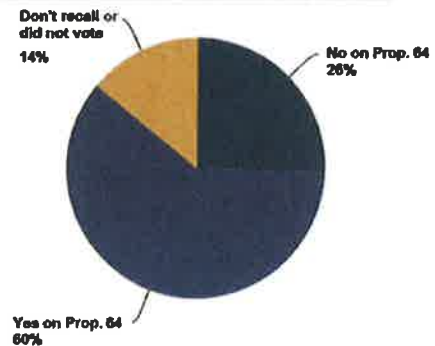
Examples of some of the responses to the demographic information provided by the participant's including: age, voting record on Proposition 64 and cannabis use are shown below.

Q3: I am between the ages of:



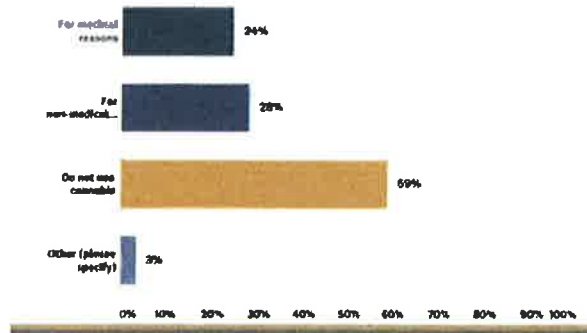
Q4: California's Proposition 64 – I voted:

California's Proposition 64 - the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) approved in 2016, legalized the sale, possession, and use of marijuana for individuals over the age of 21. I voted:



Q5: I personally use cannabis (marijuana)

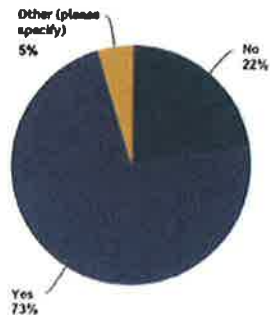
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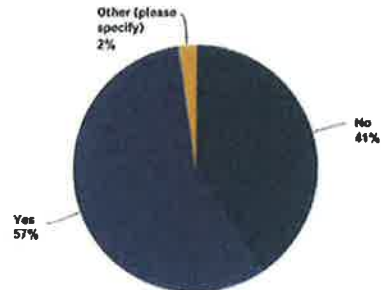
Deliveries

When the Council adopted the temporary prohibition against any cannabis business operating within the Town, the Council decided not to ban businesses located outside of the Town from delivering cannabis products to locations within the Town because of the need for patients to have access to medicinal cannabis as well as the difficulty of enforcing any ban on. To ascertain the citizen's opinions on cannabis delivery businesses, two questions were asked related to medicinal and nonmedicinal delivery businesses. Below are the responses to two of the questions which show that participants are more in favor of medicinal deliveries than nonmedicinal.

Q9: Would you support an ordinance that allows the delivery of medicinal-only cannabis in Corte Madera from locations outside Corte Madera?



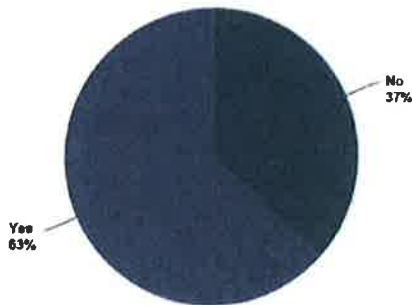
Q12: Would you support an ordinance that allows the delivery of non-medical cannabis in Corte Madera from locations outside Corte Madera?



Businesses

The survey also included questions to ascertain the community's views on cannabis related businesses such as retail stores and non-store front businesses (e.g. research or testing facilities). The fiscal impact of cannabis related businesses was also asked in the survey. The results of five of those questions are shown below.

Q7: Would you support the establishment of medicinal-only cannabis dispensaries?



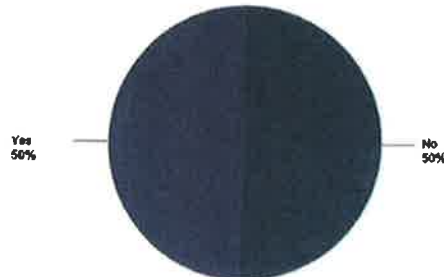
Q10: Would you support the establishment of non-medical cannabis retail stores in Corte Madera?



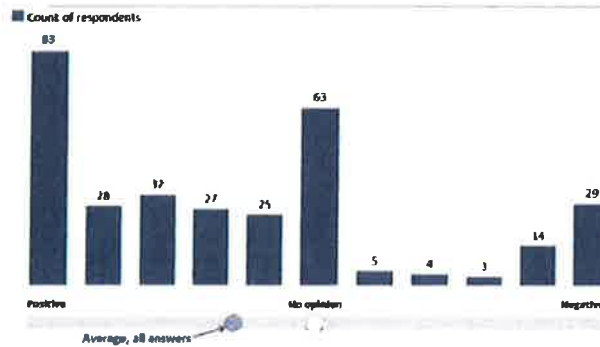
Q8: Would you support the establishment of medicinal-only cannabis businesses (non-retail) that process, test, and/or warehouse cannabis?



Q11: Would you support the establishment of non-medical cannabis businesses (non-retail) that process, test, and/or warehouse cannabis in Corte Madera?



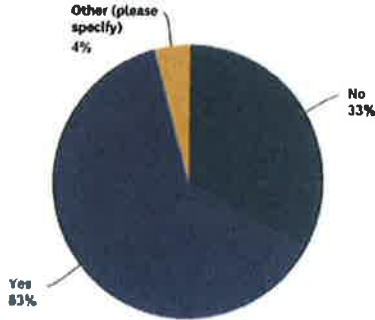
Q20: The overall fiscal impact of allowing cannabis businesses/sales in Corte Madera would be: (adjust slider accordingly)



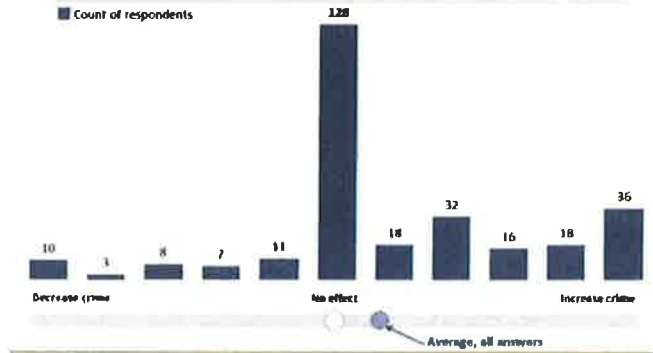
Outdoor Cultivation

Unlike indoor cultivation, a jurisdiction can completely prohibit outdoor cultivation or add restrictions to the State law which was established with the approval of Proposition 64. State law allows personal outdoor cultivation of up to six plants or 50 square feet by an individual at or over the age of 21 in the open or within a greenhouse on a single-family or duplex property. Two of the questions related to outdoor cultivation are shown below.

Q14: Would you support an ordinance that allows outdoor cultivation of cannabis in residential districts with certain restrictions (i.e. number of plants, location of plants on the site, etc.)?



Q15: Outdoor cannabis cultivation will have the following effect on crime: (adjust slider accordingly)



The two questions that asked about the effect of outdoor cannabis cultivation on public safety (Q16) and quality life (Q17) had very similar results to Question 15 above.

Indoor Cultivation

Under Proposition 64 jurisdictions cannot outright prohibit indoor cultivation which is defined as the cultivation of cannabis inside a private residence (single family, duplex or multi-family) or within a fully enclosed and secure accessory structure. The State allows individuals 21 years of age or older to cultivate a maximum of six plants per residential unit. However, individuals who have approval from a doctor may cultivate up to six mature or 12 immature plants and possess up to eight ounces of dried cannabis. The plants cannot be visible from the street or adjoining properties at ground level and they cannot be accessible by minors. Finally, if indoor cultivation is within an accessory structure it must be at least 10 feet from all property lines.

Local governments may “reasonably regulate” but not prohibit personal indoor cultivation. Some examples of regulations that other jurisdictions have approved for indoor cultivation and Corte Madera may consider include:

- A. Requiring a residential cultivation permit, with an appropriate fee and periodic inspections.
- B. The indoor cultivation may not draw more electrical power than the structure is designed to withstand (i.e. grow lights can’t exceed 1200 watts/light).
- C. Use of generators and extension cords is prohibited
- D. The cultivation is not a health hazard- water damage, mold, etc.
- E. The cultivation may not use more water than is reasonably required to cultivate six plants.
- F. The cultivation must comply with the Fire and Building Code.
- G. The structure where the cultivation is taking place must have a ventilation and filtration system for odor control.
- H. Tenants must have written authorization from the property owner to cultivation cannabis indoors.

If regulations such as the ones listed above are to be included in the ordinance, staff will work closely with other Town departments to assure that the regulations are in alignment with all other Town codes.

When adopted, the Town's Cannabis Ordinance will be an amendment to the Town of Corte Madera's Municipal Code (CMMC). As with other sections of the CMMC, enforcement of the ordinance will be the responsible of the Town's code enforcement division and the Central Marin Police Authority (CMPA). Planning Staff will work closely with the Code Enforcement Division and the CMPA to develop clear and effective enforcement procedures.

FISCAL IMPACT:

The discussion of the ordinance by the Town Council will not have a fiscal impact on the Town. The final ordinance may have a fiscal impact.

ENVIRONMENTAL IMPACT:

A discussion and possible direction to staff regarding the development of a Town ordinance is exempt from CEQA because it is not considered a project under Section 21065 – Definition of Project of the State CEQA Guidelines.

OPTIONS:

1. After hearing the presentation by staff, reviewing the materials and videos from the October 23, 2018 Planning Commission Hearing, the public workshops (September 12th and 15th) and hearing public comment, the Council provides direction to staff regarding what items to include in any ordinance regulating cannabis businesses or cannabis cultivation; or
2. The Council directs staff to provide additional information and analysis and continues the discussion at a future public meeting.

ATTACHMENTS:

1. Public Survey Results, November 4, 2018
2. October 23, 2018 Planning Commission Staff report (without attachments) and minutes.
3. Business and Professions Code Section 26054 and Health and Safety Code Section 11362.768
4. Handouts provided by Planning Commission Chair on October 23, 2018

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

MINUTES OF DECEMBER 4, 2018
REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL
AND THE BOARD OF SANITARY DISTRICT NO. 2,
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA

Mayor Ravasio called the Regular Meetings to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on December 4, 2018 at 6:32 p.m.

1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL

Councilmembers Present: Mayor Ravasio; Vice Mayor Andrews and Councilmembers Bailey, Beckman and Kunhardt

Councilmember Absent: None

Staff Present: Town Manager Todd Cusimano
Town Attorney Teresa Stricker
Planning Director Adam Wolff
Senior Planner Phil Boyle
Planning Consultant Sean Kennings
Public Works Director Peter Brown
Senior Civil Engineer Jared Barrilleaux
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

SALUTE TO THE FLAG – Mayor Ravasio led in the Pledge of Allegiance.

CLOSED SESSION

1.I Report out of Closed Session from November 5, 2018 Town Council meeting:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Closed Session Pursuant to Cal. Gov't Code Section 54957
Title: Town Manager

Mayor Ravasio announced there was no reportable action taken from the November 5, 2018 Closed Session.

2. OPEN TIME FOR PUBLIC COMMENT - None

3. PRESENTATIONS – None

4. CONSENT CALENDAR

4.I TOWN ITEMS

Town Manager Todd Cusimano requested removal of Item 4.I.vi and asked that it be continued to the next meeting. He also clarified that for Item 4.I.v, staff is requesting the Council “delegate the authority to the Public Works Director to approve”, as there is no current agreement in place to date.

4.I.i Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)

4.I.ii Approval Of Necessary Funds For Two Newly Elected Councilmembers To Attend League Of California Cities New Mayors and Council Members Academy January 16-18, 2019 In Sacramento, California
(Report from Rebecca Vaughn, Town Clerk)

provided updates and recommendations to include in the Town's flood prevention ordinance which is before the Council. He described revisions as contained in the redlined ordinance which provides clarification to language.

Vice Mayor Andrews questioned the new coastal high hazard areas and asked if the Town had any of these and if so, where?

Mr. Barrilleaux replied that over the Bay water within Town limits there are areas of the coastal high hazard area. It is nothing that falls on land so if there are any piers or docks extending beyond the shoreline these could be subject. He said he also requested clarification and found that if at any time in the future an area is formed, it will be covered in the ordinance.

Councilmember Bailey asked and confirmed Mr. Brown is the Town's Flood Plain Administrator. He noted that he has delegated authority to Mr. Barrilleaux and the other engineers for permit review and adherence to requirements.

Vice Mayor Andrews asked which parts of Corte Madera would be deemed by FEMA, or the DWR, where flood management infrastructure designed to protect the land is not adequate to avoid risks of flooding.

Mr. Brown stated this is language that captures the Town's most vulnerable areas. If they did not have the current infrastructure in place, the Town would most likely not meet that requirement.

Mayor Ravasio opened the public comment period, and there were no speakers.

MOTION: Moved by Bailey, seconded by Beckman, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To introduce and waive first reading of the Ordinance Amending Ordinance No. 956 by Amending and/or Adding Sections 16.10.060 (b); 16.10.070 (d), (e); 16.10.080 (a), (c); and 16.10.100 of Title 16: Protection of Flood Hazard Areas of the Town of Corte Madera Municipal Code

4.II SANITARY DISTRICT ITEMS - None

6. BUSINESS ITEMS

6.I TOWN BUSINESS ITEMS:

6.I.i Presentation and Discussion of the Development of a Town Ordinance Regulating Cannabis Related Businesses and Cultivation of Cannabis for Personal Use

(Report from Phil Boyle, Senior Planner)

Senior Planner Phil Boyle gave the staff report and overview of the item regarding the Town's potential development of an ordinance regulating cannabis related businesses and cultivation of cannabis for personal use. He noted late correspondence was received from Marin County, the Coalition Connection, and several handouts and items from Peter Chase, Chair of the Planning Commission. He then introduced Planning Consultant Sean Kennings who has been working on the project with him.

Mr. Boyle gave a PowerPoint presentation regarding background of the matter, state and federal issues and regulations, local issues and the public survey. Staff's goal in review of this matter was to hold workshops, provide information, share resources and gather opinions. Since the start of review, the Town has had a cannabis ordinance web page on the Town's website which has provided information on the matter, with various links as well.

He outlined the process, stating two public workshops were held in September, a public survey was posted to the website from September to October and the Planning Commission received a similar presentation as tonight on October 23, 2018. Staff's goal is to create an ordinance prior to September 2019 given the moratorium and prohibition will cease.

Mr. Boyle then provided a background on cannabis definitions, ingredients, consumption methods, medicinal cannabis which is not considered a legal drug by the federal government and a history of major cannabis adopted laws in California. He then described local control of indoor and outdoor cultivation, authority to prohibit and restrict medicinal and non-medicinal businesses which the Town has done, impose taxation and determine types of licenses.

In response to Proposition 64, the Town established its urgency ordinance prohibiting cannabis businesses which will expire September 19, 2019. Prior to its expiration the Town will write its own ordinance. Regarding what is allowed in Corte Madera and other jurisdictions he mentioned that one can consume cannabis if 21 years of age or older unless for medicinal purposes, can possess 2.5 grams or about 1 ounce of non-concentrated cannabis or 8 grams of concentrated cannabis products as well as various accessories.

In terms of cultivation, one is allowed to cultivate 6 plants for personal use, an additional 12 immature plants with a medicinal card, and this cultivation must be within the private residence or on private property. Currently, delivery is allowed in Corte Madera from other jurisdictions.

What is not allowed is consuming cannabis in a public place, in a vehicle or driving under the influence, smoking or vaping cannabis where tobacco is prohibited and providing cannabis to minors. However, employees may require a drug-free workplace much like an employer can prohibit tobacco smoking even though tobacco is legal. Smoking of cannabis within 1,000 feet of a school or daycare center is also prohibited. Commercial uses are prohibited except for deliveries. Possession over the legal limits and/or on the grounds of a school or a daycare center is prohibited.

Councilmember Kunhardt asked Mr. Boyle if he saw the article in the Marin IJ about THC-V, which is a new variant that has some medicinal qualities to it. Mr. Boyle said he did not, but will review the article.

Planning Consultant Sean Kennings said he would provide the second half of the presentation, stating the purpose is development of the ordinance if the Town were to allow potential business licenses, cultivation and indoor and/or outdoor cultivation. He stated the basic activities to consider are medicinal sales, non-medicinal sales, adult use, and delivery into town or delivery licenses where people have a business to deliver, have a storefront, manufacturing, testing, and cultivation aspects.

There are 19 types of licenses administered by the state and to be a business one would have to have a state license and also a license from the Town. There is retail which is storefront and retailer non-storefront which is typically a delivery business. The distributor is the transport of product and they would distribute it to the retailer. Testing is done to ensure products are of certain standards. There could also be the instance where a distributor, a testing facility, and retailer in one facility, but there are specifications for these types of microbusinesses.

Mr. Kennings then described retail medicinal and non-medicinal dispensaries and stated that the Council should determine whether it wants to continue prohibiting these dispensaries or explore permitting these facilities and if so, finding an area where they could locate. State law requires a 600 foot buffer between schools and youth centers.

Deliveries would have to be to a physical address. Additionally, certain businesses must

register and show their I.D. and the person purchasing the product must show I.D. to receive it. Delivery vehicles are very non-descript and for the delivery aspect, if the Council would allow someone from Corte Madera to hold a delivery business that would mean the product can be transported in and out of town. Currently, the Town does not prohibit delivery into town because per state law, delivery vehicles are allowed to use town roads, and state law will be modified soon to allow deliveries into town such that towns could not prohibit delivery into communities.

Processing and testing facilities are of a light industrial use and he displayed one in Novato and one in Berkeley. The Council would need to review where these types of locations would go in town and how they would look and create regulations for allowing them to exist.

Regarding personal cultivation, state law allows individuals to grow 6 plants indoors which cannot be prohibited. For a multi-unit parcel, it is on one property and not multiple residences; however, for a multi-family property, the owner can prohibit indoor cultivation.

The Town can reasonably regulate indoor cultivation but the Town can also regulate and prohibit outdoor cultivation. The Council could explore regulations for indoor cultivation such that an individual would have to come in and get a permit so there can be management of a database, determination of electrical power, ensuring there is no water damage or mold, not using more water than reasonably required for anyone having a greenhouse facility, complying with fire and building codes, ventilation and filtration systems, or tenants having authorization from their landlord.

The Town held two workshops in September where 18 Corte Madera residents attended the first workshop and 15 residents attended the second workshop. They made a similar presentation, fielded questions, had a lively discussion with about 50/50 for and against regulations.

He described public opinion received wherein from the survey 409 surveys were completed and 81% were residents of the Town.

Councilmember Kunhardt clarified he believed there were 81% homeowners and 14% renters. Therefore, there were more than 81% respondents.

Mr. Kennings stated part of the process is to identify what other jurisdictions in Marin are allowing, and while they focused on Marin County, Mr. Boyle discussed at the Planning Commission meeting, some of the Sonoma communities that are allowing retail and storefronts, but most cities allow for delivery into town. Some are medicinal only. Fairfax allows non-storefront businesses because they have a medicinal dispensary in town. San Rafael allows testing facilities for licenses, and Marin County allows for 4 delivery licenses throughout the county. Four communities allow outdoor cultivation with regulations. San Anselmo has an interesting provision where cannabis cannot be smelled by anyone with a normal sense of smell, and Marin County allows for medicinal cultivation. There are also cities with indoor cultivation with some degree of regulation.

Mr. Kennings concluded, stating the question is whether or not the Council wants to allow retail stores for medicinal, non-medicinal, delivery services, exploration of licenses for manufacturing, testing, distribution, and whether to allow for indoor cultivation with regulation and/or outdoor cultivation with regulation.

Councilmember Bailey asked for the number of permits issued in Marin County. Mr. Kennings stated Fairfax has one medicinal facility. The County has 4 delivery licenses, and San Rafael has 4 testing licenses as well as a delivery license.

Councilmember Kunhardt noted there have been 16 applications since San Rafael's

approval, but he was not sure how many have been granted, and he did not know whether any were for a storefront.

Councilmember Bailey referred to "reasonable regulations" and he asked what this was quoted from.

Mr. Kennings stated these are from the State's guidelines and cities cannot go beyond the State's allowances. Also, cities must allow for indoor cultivation but can also reasonably regulate it based upon existing provisions to make it consistent with a city's fire code, building permits, etc. Mr. Boyle added that the list is what other jurisdictions have agreed as reasonable.

Town Attorney Teresa Stricker stated the initiative measure, ALMA (Adult Use of Marijuana Act) that legalized adult use in California makes clear that jurisdictions cannot reduce down from the 6 plants per residence allowance, although a landlord can prohibit this. SB 94 also consolidates what is going on separately with medicinal and non-medicinal, where jurisdictions can reasonably regulate conditions for allowing that type of indoor growth.

Vice Mayor Andrews said if the Council was to issue a license for indoor cultivation he asked if this information would be available through a Public Records Act request, and Ms. Stricker said yes.

Ms. Stricker then referred to Slide 23 and noted the two columns on the far right; outside and inside cultivation talks about cultivation for personal use and not about commercial use. Currently, the Town does not allow any commercial cultivation. The State is clear that once getting over a certain amount, whether or not one thinks they are a business, they are a business per the State and they would need a license from the State and would also need to comply with whatever commercial requirements there are.

Mr. Boyle then highlighted the summary of the October 23 Planning Commission hearing. Overall, the general consensus was that the Town should allow indoor cultivation as allowed by the State. The Commission did not express a desire to impose additional regulations. They also felt delivery businesses should be allowed to bring products into the Town and that no other types of cannabis businesses should be allowed within the Town. Other items discussed included buffers between commercial cannabis and residential uses where the State's suggested 600 feet could be increased. There was also discussion about whether either one of the shopping malls had any interest of having any types of cannabis businesses and neither felt their ownership was interested at this time.

There was a general concern expressed by the Commission and the public about potential impacts of having cannabis in Town and its impact on minors, as well as normalization of cannabis which many people likened to alcohol use. He lastly presented survey results and statistics as outlined in the staff report and said staff is seeking direction from the Council in drafting the Town's ordinance.

Councilmember Bailey said he found the August 6, 2018 article in the Marin IJ, which states the City of San Rafael has granted licenses to 16 cannabis businesses. Mr. Boyle said he was not aware they had granted that many licenses but this is not to say that many businesses have opened, but he could obtain more details.

Mayor Ravasio asked and confirmed the survey was voluntary and therefore not necessarily a representative sample of the Town's population but instead a sample of those interested.

Mr. Kennings clarified this is not a statistically significant sample and it does not represent the entire population fairly, but at the same time there is some representation from the data.

Councilmember Kunhardt stated he acknowledges there were many different ways of reaching out to people. He went on-line and searched what a statistically significant number would be if one were to conduct a survey of either 6700 registered voters or 9800 people which Corte Madera both has. Interestingly, to get a statistically significant sample of either populations, 363 to 370 people would constitute a statistically significant sample with a 95% confidence of reliability within plus or minus 5 percentage points.

Mr. Kennings interjected that in order for it to be statistically significant, it must be a random sample. They did have a high number of respondents, but if they are not selected randomly from the population they can have a confidence interval of anything above zero.

Councilmember Kunhardt also commented out that 5% of the total were 30 and under in age.

Councilmember Beckman asked and confirmed that public intoxication by cannabis is illegal.

Mayor Ravasio asked what the sales tax implications are of other cannabis businesses in the State.

Mr. Cusimano stated this is a moving target and he referred to discussion at the MCCMC event. It is a cash-only business and these businesses are not allowed to have bank accounts; however, legislation is now proposed where they could. Therefore, numbers are difficult to pinpoint. The most accurate is the delivery business and he said Sausalito did a recent survey on this and they found that if they had a delivery business inside and outside of that City, they estimated potential revenues to be somewhere in the \$300,000 range. But, again, cash-only is difficult.

Mr. Kennings stated he had numbers, noting San Diego has collected \$2.2 million and they project up to \$5.9 million. Sacramento is in the \$2.9 million range and Santa Rosa in their first quarter collected \$115,000.

Ms. Stricker clarified these are excise taxes on cannabis businesses and not sales taxes. In order to have an excise tax, the Town would need to go to the voters for a special business license on the privilege of doing business in the jurisdiction, and many of those measures have been quite successful. Local jurisdictions are pre-empted of imposing additional sales tax on businesses but not an excise tax.

Vice Mayor Andrews asked if there was a business in Town whether it would be covered by the existing sales tax and existing override tax or would a vote of the people be required.

Ms. Stricker confirmed that if the Council wished it to be an excise tax, the Council would need to go to the voters. If there was a business in town, she would need to review to what extent the existing sales tax would apply, due to restrictions on imposing sales tax on cannabis businesses.

Also, there are different costs and regulations for an excise tax and many jurisdictions have been successful in moving forward with a ballot measure that puts an excise tax on brick and mortar businesses within their jurisdictions. If the Council is not allowing these businesses, there would not be the need to place a measure on the ballot, and a delivery business would not apply.

Councilmember Bailey asked Ms. Stricker to define an "excise" tax.

Ms. Stricker said an excise tax is a tax for the privilege of doing business in the Town. Many cities have these in place as a business license tax but it is really an excise tax. A number of jurisdictions have created a special excise tax on the cannabis businesses because of the increased costs associated with regulating those businesses.

Councilmember Beckman asked and confirmed that cannabis businesses are not allowed to have bank accounts because they are illegal at the federal level.

Mayor Ravasio opened the public comment period.

PETER CHASE said he is speaking as a resident and not as a Planning Commissioner. He advocated that he did not think there was sufficient and appropriate data to move forward with creating an ordinance at this time. He submitted a number of reports and information before the Commission and that included a model ordinance for cannabis taxation in California. He referred to a website called, "Cannabinoid Clinical", it clarifies that currently there are only 4 cannabinoids approved by the FDA for use, but there are thousands of these drugs available in the U.S. Due to the Schedule 1 differentiation, cannabinoids are not being tested at the state, federal or any other level and they are growing. He therefore encouraged the Council to wait for more evidence to come forward that separates out either THC or CBDs.

He stated Schedule 1 drugs are those which have no medicinal value and can be abused by definition, so at this time, THC would fall under this category and CBD may not. But, the National Academy of Sciences (NAS) points out that marijuana is the second most abused drug in the U.S. after alcohol, is a public health problem and while the NAS acknowledges there is a therapeutic value to CBD, it has not been well defined.

Mr. Chase then presented a document called, "Model for Local Cannabis Taxation" which points out that cannabis policies should be grounded in public health protection. "...cautiously legalized to reduce the social harm of illegality with cannabis sale and consumption should not be normalized." He therefore asked that the Council wait and not take any action until additional information and products get better developed, better defined and are available.

LINDA HANN, Kentfield, said she works for the Coalition Connection working to reduce under-aged alcohol and drug use. There is a lot of public health research pointing to the negative impact of cannabis legalization in a community as well as a letter received from Dr. Matt Willis, the Public Health Officer documenting further public health detriment to the County, mainly amongst their youth which is her primary concern.

She commends Corte Madera for its due diligence and effort to put forward and seek input from the community and trying to determine what is best while adhering to the desires of voters. In moving forward, the Council's task will be to adopt policy that protects the community. She urged the Council to continue to seek input, research and data from other communities, as those that rushed into adoption experience higher rates of crime and other negative impacts.

The Coalition has also learned a lot from Colorado who has been at this for over 5 years. The most recent report from 2018 shows an increase in marijuana-related traffic deaths by 151% while all Colorado traffic deaths increased 35%. Since recreational marijuana was legalized, traffic deaths that tested positive for marijuana more than doubled. Colorado passed marijuana use for ages 12 and older which is ranked 3rd in the nation and is ranked 35% higher than the national average. The yearly rate of emergency hospital visits related to marijuana increased 52% after its legalization. And, while she can go on and on about the negative impacts, given what Colorado is experiencing, she urged the Council to learn from those who have legalized it and not put Corte Madera and neighboring communities at risk by not doing more to have indoor cultivation and delivery for medicinal purposes.

KAREN GERBOSI echoed comments of Mr. Chase and Ms. Hann. She referred to the survey and that a certain number of people responded. The Town does not know where they live, the age they are, that their usage is what it is, and they do not know if there are duplicates in responses. While the survey might show information, it is not scientific.

HENRY said he believes people worry about the welfare of the youth, of the future, and want to make sure cannabis is used safely and properly. They want to be sure their housing prices do not decrease because they fear a dispensary may raise crime which is warranted, but he thinks the Town should be progressive in how it regards its citizens and how they put things into their bodies.

He noted people have been involved with outdoor cultivation of cannabis for years in Corte Madera when medical marijuana was passed. He walks through every neighborhood in town and knows cannabis is being grown outside but he cannot see it or smell it, and it is discreet. There are millions of tax revenues from dispensaries and he asked that the Council consider the facts, be logical and not use red herring fallacies that appeal to the raw emotion.

Councilmember Bailey asked if Police Chief Norton could comment.

Chief Norton stated he has spoken at meetings in Larkspur and San Anselmo about the matter. In terms of delivery from a law enforcement perspective, police have known it has been going on for a long time from outside the jurisdiction and have not had any issues from those delivering from the outside, which is similar to Amazon. The trucks are not well marked; however, the concern he would have for locating a delivery service in Corte Madera is that it would become common knowledge where the origin is and given it is a cash business and his perspective may change if there's legislation passed and it is no longer a cash business.

Although Corte Madera has low crime, there is crime in town and they are an easy target and they are near the East Bay. His understanding of how deliveries work is that what would occur is that it would become common knowledge where the vans or vehicles are coming and going. Someone could be waiting for a car leaving with a shipment of edibles and marijuana or wait for cars returning and get a car full of cash.

He did not have any strong opinions on manufacturing, testing and processing. In terms of personal cultivation, indoor is allowed and he would be against placing restrictions on this other than what is in place because he did not think the Town's and CMPA's resources are set up to regulate this and it could encounter many Constitutional issues in terms of regulating it. The Fire Department may be involved with some electrical inspections which he thinks they already would be.

Regarding outdoor cultivation, since 1997 police occasionally have received a call where it is more of an odor issue or people put the plants downwind of the fence and it goes right into the neighbor's house. There has been discussion about keeping the plants very low at ground level, but every plant he has ever seen does not grow low and usually it pops up above the fence unless it is in a contained area. He knows in the summer during its harvest, it can get quite stinky where the police get called routinely as well as from it being visible from the street.

In terms of retail stores, he likes Amazon and things delivered, but people are in a day and age where anything regulated and delivered is feasible and possible so he did not think the Town needed a storefront at this time.

Mr. Cusimano stated the Town had a dispensary or two here in the past and he asked Chief Norton to comment on them.

Chief Norton stated he remembers working graveyard and having a few run-in's but these businesses popped up without a business license.

Mayor Ravasio interjected and stated they actually provided misinformation on their business license when they opened.

Chief Norton said in terms of these businesses, both were over on the Tamal Vista area across from the DMV. Police never had any issues with the businesses, but they began to find many juveniles they were in contact with had the marijuana from the businesses and their containers, but he did not think they sold to minors but instead, those over 18 were purchasing it and then selling it to the minors.

Councilmember Kunhardt asked if the Chief has an understanding of any increase or decrease in crime rates around this topic in Sonoma or elsewhere.

Chief Norton said he did not know what was occurring in Sonoma or Santa Rosa, but he did note that since legalization police has seen more of driving under the influence to the point where they must radically train officers. They did not see a tremendous spike with adoption of medicinal marijuana in 1996, but recently it has been a major problem and about half of the people they are pulling over and arresting for DUI now have at least some element of marijuana with them or are under its influence.

JAMES SERIFF, Larkspur, asked if he could obtain a copy of the survey and also its methodology.

Mayor Ravasio stated the survey and the staff report is on the Town's website.

ANDREW MIDDLEDITCH, Meadowridge, said he gave comments at an earlier working group and is a psychiatrist with a practice in San Francisco. He has tracked some of the research about marijuana and one of the growing concerns around it is it affects the teenage brain according to a new study that came out from the American Journal of Psychiatry last month. It studied and performed a battery of cognitive assessments of 3800 kids in the Montreal area from ages 13 to 17.

The study showed cognitive impairment in the short term around people reporting high levels of marijuana use, but what was most concerning about this study was that it was showing long-term impairments of a year or more involving working memory and impulse control among higher users of marijuana among the teenage population, suggesting a neuro-toxic effect. Therefore, there is a community safety concern around it that supports the notion of limiting normalization of marijuana by not having a public dispensary.

Mayor Ravasio returned discussion to the Council.

Councilmember Bailey said he appreciates all comments and it is his sense that he is always open to hear new information and to follow best practice, but he would not be inclined to expand the availability of marijuana within the Town beyond personal cultivation within indoor use which is currently allowed. He did not think it was an appropriate time to expand into the marijuana arena.

Mayor Ravasio added to Chief Norton's comments regarding the dispensary and use among youth, stating he was on the Council when the dispensary opened and misinformation was placed on their application for which the Town was involved. He noted that prior to attending a Council meeting one night, he asked his daughter, who was in high school at the time, if she had heard of the marijuana dispensary in town across from the DMV. She said yes; kids go there at lunchtime and they buy brownies and candy and they come back and sell them in the parking lot. Therefore, this informed him prior to going into Closed Session.

He disclosed he is the Co-Chair of the Coalition Connection and prior to that he chaired the Twin Cities Coalition for Healthy Youth. They were and still are trying to reduce alcohol and drug use among youth, so his major concern is illegal access. There is already an extremely high, above average use of marijuana among high school students and normalization and access would only drive that higher.

Another issue they have learned about and done a lot of studies on is the much higher levels of THC in marijuana which seems to be causing some additional issues. He would concur with Councilmember Bailey that he would not want to allow medicinal or non-medicinal use.

Councilmember Beckman thanked speakers for their comments and correspondence which have been helpful. He said his thoughts based upon what he has heard and learned thus far is that he recognizes the public health threat cannabis poses, which is a serious issue, but what he struggles with in terms of regulating it, is seeing the difference between cannabis and alcohol. If the Council is talking about regulating cannabis differently than they regulate alcohol he asked if this means they are acknowledging they are under-regulating alcohol.

Everybody has a somewhat different opinion on the relative dangers or harm of cannabis and alcohol, but there is a liquor store across the street from Town Hall and his perception is that while cannabis may already be a public health concern, his personal perception is that alcohol is much more of a public health concern, yet that is regulated less than what they are considering for cannabis. Therefore, he suggested the Council examine that issue.

Councilmember Kunhardt said his kids are much more informed and have repeatedly made the point that alcohol is sold everywhere in Town. If that is freely available and normalized, they question why a substance which is less dangerous to one's health and less dangerous to violence creation and other things be worthy of much tighter regulation.

Another challenge is that in 2016 the vote in the state was 57% in favor of Proposition 64. In Marin County it was 69.6% in favor which is overwhelming. There are very few measures that gain this much support in Marin County, so in this context he questioned whether the Town was being equally permissive or restrictive as they are with other aspects of life. He thanked staff for its outreach, workshops, and said one of the most valuable things was the National Academy of Sciences' assessment of the pros and cons of different forms of cannabis for treating pain, chemotherapy, multiple sclerosis, control of epileptic fits, and other kinds of spasm symptoms, potentially helping with PTSD and with the consumption of opioids, along with increases of accidents, DUIs and other issues with it. Therefore, there is no clear green light in the medical information and most importantly, Mr. Willis has indicated that there is not enough evidence and more time is needed.

He said it was clear that the Planning Commission was not interested in regulating indoors except for standard health and safety. But, one of the charts indicated whether or not the Planning Commission discussion said outdoor cultivation should or should not be allowed.

Vice Mayor Andrews said his impression is that the chief risk of marijuana when he was younger was if one got arrested and got a felony conviction, and he has friends who had experienced that. So, he was happy that California has de-criminalized it.

In terms of which businesses to allow in Corte Madera, he did not think they had enough information about which to allow and disallow. They know deliveries cannot be stopped so he continues to support not working on this. If the Council were to try to legalize any of these businesses, staff would be in the awkward position of figuring out state law and federal policy and not get in trouble and he would not want to put Town employees into that awkward position.

Therefore, he would support moving forward and continue to allow delivery. He did not think outside cultivation should be allowed and enforcement should be based on complaints. He suggested the Building Department look at whether the risks from indoor growing are sufficient enough that the Town should step up its regulations for electrical. But, his gut reaction is that what people do in the privacy of their own home is their own business.

Councilmember Kunhardt said the article in the Marin IJ is that THC-V exploration is advancing with FDA licensing. This is a unique piece of cannabis which has potential high promise for diabetes, weight control and other things. One of the things expressed as a risk is that people do not know what the contents are and how polluted it might be with pesticides and other things.

Therefore, he thought what was needed is adequate testing laboratories, certification, labeling and quality control. He would not be opposed to that appearing somewhere in Marin County or in an anonymous laboratory in Corte Madera if it adds significantly to the understanding of exactly what the contents are and what was being sold.

Councilmember Bailey said he was not a fan of cannabis retail stores in the Town but was supportive of delivery service continuing from outside into the Town. He did not think manufacturing and processing facilities were issues in the Town but did not support them being permitted at this time. He thinks all Councilmembers supported indoor cultivation, which is legal, but he was opposed to outdoor cultivation.

Mayor Ravasio echoed Councilmember Bailey and said that continuing to prohibit retail makes sense as normalization creates problems with youth in the community. He was supportive of some degree of regulation of electricity for cultivation at home due to risk of fire. He was supportive of continuing to allow delivery from outside of Corte Madera. He understands the point about processing and testing facilities as voiced by Councilmember Kunhardt, but the Town does not have large parcels for this anyway and he did not see the benefit of what would be a considerable expense and time trying to create a regulatory body and standards to control and enforce that. He would also like to see some regulation on outdoor cultivation if it causes nuisance problems.

Councilmember Bailey summarized that the Council does not yet have enough information, as well.

Vice Mayor Andrews added that once the Town legalizes a business, it is a lot harder to "un-legalize" it than to wait a few years and whatever current Council can make a decision. He agrees that Marin needs a testing facility, but the testing should be relatively close to where the distribution is. So, if Corte Madera will have testing, it should be near the processing facility and near the delivery point, which Corte Madera does not currently have space for.

Ms. Stricker said if the Council allows a business and a business comes in and sets up and the Council decides to pull it back, that business would have a non-conforming use and the Town would be stuck with that business until they decide to move on or close, or negotiate some monetary settlement. With respect to the list of actions, if the Council is unsure as to what it wants to do, she suggested being conservative given it will be difficult to "undo" whatever is done.

With respect to #1, she encouraged the Council to decide on this as well as #3. With respect to #2, the Town has delivery services under two categories; those located within the jurisdiction as a brick and mortar business and those located outside of the jurisdiction making deliveries inside where there is no non-conforming use problem.

Should the Council decide now or 3 years from now that it does not want to allow deliveries, the Council could pass a regulation to ban the delivery and there would be no non-conforming use issue because the business is not located here. They are simply servicing customers here.

With respect to #4; personal cultivation, there is no non-conforming use problem. The Council does not have a restriction but a restriction could be imposed. They could wait and see if there is an issue and then decide. Therefore, #4 and half of #2 pose no non-conforming use problems.

Councilmember Beckman stated Mayor Ravasio and Councilmember Bailey were supportive of continuing medicinal deliveries and he asked what their stance was for non-medicinal deliveries. Mayor Ravasio stated he did not think they could regulate it, so he confirmed there was consensus on the delivery issue.

Councilmember Kunhardt said as far as retail stores, he was as balanced as the public's view. In advance of a workshop and during a workshop, there were two senior residents who revealed they are beneficial users of CBD oil for pain reduction and have to drive to Fairfax to get that. He knows what is wrong with smoking and E-cigarettes, he did not know what was wrong with a business that sells oils and/or edibles as long as they are quality controlled. He thinks it could be equally controlled as with liquor stores.

He said he was not sure a professional testing laboratory must be inclusive of deliveries but he did not think there was any natural location for that to occur. Regarding personal cultivation, he was very much opposed to regulating indoor or outdoor cultivation. He thinks this is what the 70% vote was for. He thinks reasonable regulation of where the outdoor cultivation is located could be developed as well.

Vice Mayor Andrews asked if the Council could agree that if there are complaints with outdoor cultivation, the Town could define any complaints as nuisances. Councilmembers agreed.

Councilmember Bailey said he did not think the Council needed to come to a conclusion on outdoor cultivation and nuisances. He recognizes and agrees that marijuana seems comparable to alcohol but he did not think that discussion is relevant in deciding on this ordinance.

Vice Mayor Andrews said as someone who grew up back east, many states had package stores to buy liquor. When his family visits, they are dumbfounded there is that much liquor for sale in a regular grocery store and that they are selling it on Sundays.

Councilmember Beckman questioned the direction of Councilmembers on cultivation.

Mayor Ravasio noted the difference of opinion; some regulation of indoor is good for safety reasons but not to restrict it. In terms of outdoor, they are trying to prevent nuisance issues and he thinks they are all in agreement.

Vice Mayor Andrews referred to indoor cultivation and he was concerned with the need for people to obtain permits. He asked if there would be other similar items relating to the need for permits such as a hot tub.

Mr. Boyle said it would be a unique situation for someone to come in and say they want to grow something in their house. Staff would have to come up with some sort of standard in terms of adequate electricity load, such as 110 outlets versus 220 outlets, where the plants would be located, and he noted in Novato's ordinance one cannot convert a room into a growing area. So, it would take some thought, but staff could conduct the research and return.

Vice Mayor Andrews asked if staff could develop an educational pamphlet and Mr. Boyle said yes. He noted some people would come to the Town wanting to grow safely and there will be some who will not.

Mr. Boyle confirmed the following:

- Indoor Cultivation: The Council would like some regulation for safety and leave it to staff to determine how to enforce the building code.
- Outdoor Cultivation: The Council does not want outdoor cultivation to become a

nuisance for neighbors.

Councilmember Bailey said he was not comfortable with outdoor cultivation yet given smells, access to kids, and asked for more information given the need for setbacks, determination of location, etc.

- Manufacturing, Testing and Processing Facilities: Consensus of the Council to not allow, or to create regulations for this business so it will be prohibited.

Councilmember Beckman said he did not know these types of businesses would have cash on site and this is not likely an issue for Corte Madera unless it is a sprawling business for which Corte Madera does not have space for. Therefore, he suggested not preventing it.

Mayor Ravasio asked why they would set up laws and regulations then to control it if there is no space for it, and it would also require a lot of staff time to regulate it.

Mr. Boyle said he was not sure there was or was not space for such a facility, noting that one could be incredibly small.

Ms. Stricker commented that although this item (#3) is one number, there are multiple categories. The Council could bifurcate and oppose manufacturing and support testing. She also said that most jurisdictions that are allowing manufacturing have intensive regulations, and this is also true of the many business types that are pre-retail. Therefore, it would be a pretty heavy load for staff to bring forward a proposal for manufacturing and would take some of counsel's time if this was something the Council would want to allow.

Councilmember Kunhardt said he thinks this would be a good contribution to the Town to have a quality-controlled, certified testing facility if it is not large. But, he also knows this type of business does not yet exist in the Town in any related form, such as blood testing, biological labs, etc.

- Retail Stores for Medicinal and Non-Medicinal Sales: Mayor Ravasio stated he did not believe there was consensus on this. Several people do not support retail facilities and some people are supportive of them based upon the right circumstances.

Councilmember Beckman said in principle, given there is a liquor store across the street from Town Hall, he did not see why dispensaries would be banned outright. Because cannabis businesses are cash-only now, it is a major risk that cannot be mitigated to the point of acceptability. Therefore, he would be open to extending the ban on brick and mortar dispensaries until 1) more information is obtained; 2) until cannabis businesses can operate with bank accounts and not cash.

Councilmember Kunhardt said he likes this distinction but there may be a business that has specialty in oils that are used primarily for medical purposes, but these most likely are cash businesses. He suggested continuing the moratorium until the Council knows more.

Ms. Stricker clarified for the Council that the moratorium ends September 2019 and it cannot be renewed. Therefore, the Council is looking at a permanent ordinance and looking to ban retail which the Council can review at a later time. In response to whether a sunset clause is needed, Ms. Stricker said the problem with this is that if the Council does not act, the ban is lifted and there could be the non-conforming use issue.

Mayor Ravasio confirmed staff had direction and thanked the Council and speakers for their input.

**DRAFT MINUTES
PLANNING COMMISSION MEETING
MARCH 26, 2019
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Margaret Bandel
Commissioner Lee

STAFF PRESENT: Adam Wolff, Planning Director
Phil Boyle, Senior Planner
Judith Propp, Assistant Town Attorney

1. OPENING:

A. Call to Order – The meeting was called to order at 7:00 p.m.

B. Pledge of Allegiance – Commissioner Chase led in the Pledge of Allegiance.

C. Roll Call – All the commissioners were present with the exception of Commissioner Bundy.

2. PUBLIC COMMENT - None

3. CONSENT CALENDAR – None

4. CONTINUED HEARINGS

A. 159 PRINCE ROYAL DR – CONTINUED PUBLIC HEARING FOR CONSIDERATION AND POSSIBLE APPROVAL OF A LANDSCAPING PLAN PURSUANT TO CONDITIONS OF APPROVAL OF TOWN COUNCIL RESOLUTION NO. 26/2017, RELATED TO THE CONDITIONALLY APPROVED MAJOR REMODEL AND HOME ADDITION AT 159 PRINCE ROYAL DRIVE. (Planning Director Adam Wolff)

Commissioner Bandel recused herself because she lives within 500 feet of 159 Prince Royal Drive. Planning Director Wolff presented the staff report, and he noted that the item has been continued from the February 12th meeting.

Mr. Wolff discussed the landscape plan and said the commissioners must determine if it complies with the Town Council's resolution from 2017. He reminded the commissioners that they requested an updated landscape plan at the previous hearing with more information and enhancements to the plan, such as site sections and planting

details. He confirmed that the Town's appointed landscape architect, Kent Julin, and Fire Marshal Ruben Martin have reviewed and approved the plans, and he discussed options for the commissioners, including a request for staff to return with a resolution to deny the project.

Mr. Wolff noted that correspondence has been received from the neighbor at 163 Royal Drive, which he discussed. Mr. Wolff highlighted the differences between the previous landscape plan and the new plan, including additional trees on the western and northern side of the lot and a new olive tree at the front by the driveway. He noted that existing trees should provide screening while the new plantings mature.

In response to Commissioner Lee, Mr. Wolff confirmed the conditions of approval for this project would involve the Town in any issue a neighbor might have that related to view preservation and vegetative growth.

Chair Chase and Mr. Wolff discussed the retaining walls. Mr. Wolff confirmed staff would review the plans at the building permit stage and that significant changes to the landscape plan were not anticipated.

Galen Fultz, Landscape Architect, stated that he has tried to address the concerns expressed at the last hearing. He discussed the species of ground cover, which he said would be fire resistant and aid soil stability.

In response to Vice-Chair Metcalfe, Mr. Fultz said he did not envisage tree planting to cause problems that would necessitate a soils report.

Chair Chase opened the public comment period.

Margaret Bandel, 180 Prince Royal Drive, asked the commissioners to consider a letter submitted by the neighbors at 163 Prince Royal Drive about their concerns. Ms. Bandel requested a condition of approval related to the maximum tree heights to help preserve some of her views.

Phyllis Galanis, 215 Prince Royal Drive, stated that she supported the comments in the letter submitted by the neighbors at 163 Prince Royal Drive, and she expressed her concern that their property would be affected by the proposed retaining walls. Ms. Galanis also discussed her concerns related to hillside instability and the need for a soils report.

Chair Chase closed the public comment period.

Commissioner Lee stated that the new information the commissioners requested has given him more confidence to approve the project. He confirmed that the findings they must consider did not include reviewing materials relating to the retaining walls and hillside stability. Commissioner Lee referred to the materials from the applicant and

commented on the proposed improvement to an area of the property. He confirmed he could support the findings and move the landscape plan forward.

Vice-Chair Metcalf stated that she could make the findings for the landscape plan and she commented on the difficulties of piecemeal projects. Vice-Chair Metcalfe expressed her concern with the soil conditions, the stability of the retaining walls, and the effects on the landscape plan if the retaining walls need to be relocated.

Chair Chase noted that the resolution included maximum heights some of the trees could grow that related to view blockage. Mr. Wolff discussed the procedure that has been put in place for the landscape plan and the enforcement process, which he confirmed did not involve the Ordinance's usual practice of arbitration.

Chair Chase and Mr. Wolff discussed the olive trees, and Chair Chase compared the current landscaping with the proposed plan, which he said would be a great improvement. Chair Chase stated that the soils report and retaining wall plans would be reviewed by the planning and building staff, and he discussed the need with Mr. Wolff for further review of the landscape plan if other aspects of the project changed.

Counselor Propp suggested adding a condition to the resolution that would allow the Planning Director discretion to issue a permit amendment or return the landscape plan for review by the planning commission should there be changes.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Lee, to approve Resolution No. 19-006 in the matter of review of revisions to the landscape and site plan at 159 Prince Royal Drive, and a determination regarding whether the findings of approval (for the previously-approved Design Review application PL-2016-0007) can continue to be met pursuant to Condition of Approval No. 5 of Corte Madera Town Council Resolution No. 26/2017, with the added condition that it would be at the Planning Director's discretion to issue a permit amendment or refer the matter back to the Planning Commission should the landscape plan be modified by the plans for the building or retaining walls:

AYES: Metcalfe, Chase, Lee
NOES: None
RECUSED: Bandel

Mr. Wolff read the appeal rights and Chair Chase announced at 5-minute break at 7:55 p.m.

5. NEW HEARINGS

A. PROPOSED CANNABIS ORDINANCE – A PUBLIC HEARING FOR THE CONSIDERATION AND POSSIBLE RECOMMENDATION TO TOWN COUNCIL OF AMENDMENTS TO THE TOWN OF CORTE MADERA MUNICIPAL CODE TITLES 6, 9 AND 18 REGARDING REGULATION OF CANNABIS RELATED BUSINESSES AND PERSONAL CULTIVATION. (Senior Planner Phil Boyle)

Commissioner Bandel returned to the podium and Senior Planner Boyle presented the staff report. Mr. Boyle discussed comments and materials that have been received since the packet was distributed, which he noted have been made available to the public. Chair Chase commented on the materials he had provided.

Mr. Boyle discussed the information related to this item that was available on the Town's Website and the process for the proposed new cannabis ordinance, which included two public workshops, an on-line survey, and a planning commission meeting to review the results of the workshop and survey. He noted that the commissioners' recommendations to the Town Council included the allowance of indoor cultivation and the prohibition of delivery businesses in Corte Madera, with which the Town Council was in agreement. He also noted that the councilmembers requested there be no requirements for indoor personal cultivation beyond state law, and he summarized the proposed draft ordinance.

Mr. Boyle discussed the commissioners' options based on the Council's direction, which included forwarding a recommendation of approval of the draft ordinance to the Town Council.

Vice-Chair Metcalfe stated she would like assurance that the delivery services were licensed by the state. She also referred to an article in the Marin Independent Journal that related to the on-line survey, and discussed the reasons she believed the survey to be ineffective.

In response to Vice-Chair Metcalfe, Mr. Boyle confirmed the ordinance would not prohibit the sale of CBD or topical products in stores. Counselor Propp confirmed that the Town was not attempting to regulate any products that did not contain THC, but that the commissioners could make a recommendation to the Town Council that they consider these areas for inclusion in the ordinance.

In response to Commissioner Bandel, Mr. Boyle confirmed that the sale of edible cannabis products would be banned under the ordinance because it would be considered a cannabis-based business.

Chair Chase opened the public comment period.

David Bramnick, town resident, discussed the reasons he believed the on-line survey and the town meetings did not represent the will of the community. Mr. Bramnick also

discussed his concern that a commissioner addressed a Town Council meeting about their opposition to the sale of cannabis. Mr. Bramnick stated that a medical marijuana store should be allowed to operate in the town and he asked the commissioners to reexamine their position on cannabis.

Linda Henn, Kentfield resident, member of the Coalition Connection, expressed her opposition to retail locations and outdoor cultivation, which she said would decrease the perception of harm to youths and increase access and normalization. She noted that no other Marin towns were allowing storefronts and she stated that Marin has the highest rates of teenage cannabis users. Ms. Henn said that cannabis should first be legalized federally for reasons she discussed.

Chris Wallitsch, Larkspur resident, stated that she had found cannabis useful in combatting the symptoms of early onset Alzheimer's and that the voters supported the legalization of cannabis. Ms. Wallitsch said she had never seen kids anywhere near the dispensaries she has visited and she asked the Town to allow dispensaries to operate.

Dr. Emily Tejani, Corte Madera resident, specialist in adolescent and adult addiction and mental health disorders, discussed her opposition to store fronts and outdoor growth. Dr. Tejani discussed the harmful effects of marijuana on teenagers, which included depression and psychosis. She discussed the increase of marijuana use by teenagers and the cost of treating mental health and addiction.

Jeremiah Mock, Corte Madera Resident, researcher of Public Health, UCSF, member of Coalition Connection, discussed the serious issue of cannabis use by students and addiction problems. Dr. Mock also discussed the relationship between use of high potency cannabis products and psychosis, and his opposition to cannabis storefronts and delivery services.

Henry, Corte Madera resident, stated that cannabis was a safe alternative to alcohol and prescription drugs. He said the Town should allow medicinal and recreational cannabis and not restrict potential taxes, and that cannabis improves the quality of life for people in pain. He commented on the existence of many drinking establishments in the Town, and suggested that dispensaries should be similarly regulated.

Phyllis Galanis, Town resident, discussed the problems of adolescent addiction to cannabis, which she said affects their performance in school, and further issues with the smell of cannabis.

Chelsea from San Geronimo discussed her support for medical marijuana and advocacy for a dispensary. She said that cannabis and cannabis products were healthier alternatives to prescription drugs, and she discussed a problem with doctors overprescribing drugs.

Karl Spurzem, town resident, discussed problems relating to the non-legalization of marijuana and studies from states that indicate benefits of legalizing marijuana, including a reduction in opioid deaths and a decrease in youth usage.

Tom, town resident, discussed the ways in which he has benefitted from marijuana following an accident, and said that teenage use was exaggerated. Tom said that dispensaries should be allowed to operate in Corte Madera and that he supported outdoor growth.

Janet Cutcliffe, town resident, asked the commissioners if it would be possible for the ordinance to be evaluated after two or three years to ascertain the effects on the community.

Lynn Murray, Summit Avenue, stated that she was opposed to allowing dispensaries to operate in the town and that tax revenue was already sufficient.

Chair Chase closed the public comment period.

In response to Chair Chase, Planning Director Wolff said that the commissioners could make a recommendation to the Town Council that the cannabis ordinance could be reviewed at a future date.

Vice-Chair Metcalfe discussed the problem of treating recreational and medicinal marijuana (which she supported), in the same manner. Vice-Chair Metcalfe said she could not support a delivery business because it could not be regulated and that she suggested the cannabis ordinance is reviewed in a few years to determine whether changes were necessary. She expressed a hope that the State differentiates between medicinal and recreational marijuana in the future.

Commissioner Lee stated that there did not seem to be a lot of support to change the ordinance, and he noted that people would still have access to cannabis should they wish. Commissioner Lee said he recognized that people did not want to see marijuana normalized in the town and that he would recommend that the Town Council approve the draft ordinance.

Commissioner Bandel discussed her belief that medical marijuana should be accessible and that she did not believe it should be normalized in the community. Commissioner Bandel said that she would not want to see storefronts selling products that would be available to children and that she would support the draft ordinance.

Chair Chase discussed people he knew who have benefitted from the pain-relieving effects of marijuana, but that the commissioners should be mindful of the safety and health of the town's inhabitants. He said he would reconsider supporting the proposed ordinance if there was no doubt that easily obtaining marijuana did not have a negative effect on the health of the community. Chair Chase said that better data on marijuana

was necessary and that the town was not ready to normalize the product by allowing a dispensary to operate.

A discussion took place between the commissioners and staff about recommending the addition of a clause to evaluate the ordinance at a future date.

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner Bandel to approve Resolution No. 19-014, recommending that the Town Council adopt an ordinance amending Titles 6 – Health and Sanitation, Title 9 – Peace, Safety and Morals and Title 18 – Zoning of the Corte Madera Municipal Code regarding cannabis regulations with the further recommendation that the ordinance is reviewed within a 3-year time period to reconsider its suitability as currently adopted:

AYES: Metcalfe, Chase, Lee, Bandel
NOES: None

6. BUSINESS ITEMS – None

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

i. Commissioners

Commissioner Bandel reported on the March 19th Town Council meeting, during which the following matters were discussed: Implementation of the Tobacco Retailer License Program on January 1, 2020, and a discussion on dedicating part of the town park for a dog park.

ii. Planning Director

Planning Director Wolff reported that the Town Council would be hearing the development proposal at the Preserve at their April 2, 2019 meeting; that the State of the Town public meeting would be taking place at the Corte Madera Inn on Wednesday, April 3rd; that the building permits for the town homes on Casa Buena Drive would be signed off shortly, and confirmation that no appeal was filed on the project at 76 Granada Drive.

iii. Tentative Agenda Items for the Tuesday, April 9, 2019 Planning Commission Meeting
(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)

A. PROPOSED ZONING ORDINANCE AMENDMENTS RELATED TO HOTELS – PUBLIC HEARING FOR CONSIDERATION AND POSSIBLE RECOMMENDATION TO TOWN COUNCIL REGARDING ZONING ORDINANCE

AMENDMENTS TO THE C-2, C-3, C-4, AND MX-1 ZONING DISTRICT PERMITTING INCREASED FLOOR AREA FOR HOTELS.

iv. Future Agenda Items

(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)

B. MINUTES

i. Planning Commission Meeting Minutes of February 26, 2019

The minutes were continued to enable Commissioner Bundy, who was present at the February 26, 2019 meeting, along with Chair Chase and Vice-Chair Metcalfe, to participate in the vote.

8. ADJOURNMENT

A motion was made, seconded, and unanimously approved to adjourn the meeting at 9:45 p.m.

Comments provided to the Town after distribution of the Planning Commission
Packet on 3/22/2019

Phil Boyle

From: Jeremiah Mock <jeremiah.mock@insightanalysisgroup.com>
Sent: Tuesday, March 26, 2019 10:37 AM
To: Adam Wolff; Margaret Bandel; Robert Bundy; Peter Chase; Charles Lee
Cc: Phil Boyle; Kelsey Fernandez; Linda Henn; Jasmine Gerraty; Eli Beckman
Subject: Cannabis ordinance

Dear Corte Madera Planning Commissioners,

We are writing as residents of Corte Madera about the proposed Cannabis Ordinance. We are a family of four with two teenage sons. We live in a multi-unit housing complex on Pixley Avenue.

COMMERCIAL BAN

Our family strongly supports a complete ban on all commercial cannabis activity in Corte Madera, including manufacturing, distribution, retail sales, delivery or “recreational” cannabis products from within Corte Madera, and delivery of “recreational” cannabis products from outside Corte Madera.

Given the widespread use of marijuana among teens in Corte Madera, we believe reducing as much as possible the accessibility to cannabis in our community will prevent further teen use. Adults who wish to purchase cannabis can do in San Francisco. Medical cannabis products are available through delivery from medical dispensaries.

OUTDOOR GROWING

We also strongly support a ban on all outdoor growing of marijuana for personal use in Corte Madera.

Backyard growing exposes kids and teens to marijuana and further normalizes marijuana in our community. The pungent smelly skunk odor of marijuana drifts with any breeze into neighbor’s property and homes. It does not stop at property lines.

Attached are photos from the window of our home office and our bedroom. As you can see, the patio area is open and the neighbor’s fence is a short distance away.

We open our windows and doors to get fresh Marin air. Like the large majority of Corte Madera residences, we have no air conditioning. If our neighbors were to grow marijuana plants next to us, we would have no choice but to move because the odor would be overwhelming. I am a former resident of Nevada City, and neighbors throughout my hometown are in major disputes about the odor cause by plants in backyards.

How Can I Stop Neighbor From Growing Marijuana in Backyard?

<https://www.nolo.com/legal-encyclopedia/how-can-i-stop-neighbor-from-growing-marijuana-backyard.html>

SECONDHAND CANNABIS SMOKE

We also encourage you to ban smoking of cannabis in all outdoor areas, including backyards. Research has shown that secondhand marijuana smoke contains many harmful toxins and cancer-causing chemicals like tobacco smoke. The odor of marijuana smoke is also objectionable to people. Our teens go into San Francisco where they are already exposed to the odor and chemicals in secondhand marijuana smoke. We don't want our teens exposed in our own community.

Here are articles talking about these issues:

How Do I Stop Neighbors' Marijuana Smoke From Drifting Into My Child's Bedroom?

<https://www.nolo.com/legal-encyclopedia/how-do-i-stop-neighbors-marijuana-smoke-from-drifting-into-my-child-s-bedroom.html>

PENDLETON Critics raise a stink over marijuana odor ordinance

https://www.eastoregonian.com/news/local/pendleton-critics-raise-a-stink-over-marijuana-odor-ordinance/article_b78e9c2f-af9b-54f6-9ab6-2838e3a41e45.html

Please read Mt. Shasta Cares' letter about all the problems in their community caused by outdoor growing.

Thank you for your consideration.

Sincerely,

Jeremiah Mock, Iyo Fujita, Kazu Fujita (age 14), Masa Fujita (age 12)



Phil Boyle

From: MtShastaCares <MtShastaCares@protonmail.com>
Sent: Tuesday, March 26, 2019 8:42 AM
To: Adam Wolff; Margaret Bandel; Robert Bundy; Peter Chase; Charles Lee
Cc: Phil Boyle; jeremiah.mock@insightanalysisgroup.com;
kelsey@thecoalitionconnection.com
Subject: Letter about cannabis permits for March 26 Planning Commission meeting
Attachments: Letter to Corte Madera Planning Commission from Mt Shasta.docx

Dear Corte Madera Planning Commission,

Please read the attached letter about our community's experience with cannabis businesses before your meeting tonight and include it in the public record.

Thank you,

Parents, educators, health care professionals and other residents of Mount Shasta, California

Email: mtshastacares@protonmail.com

Web: www.mtshastacares.com

Sent with [ProtonMail](#) Secure Email.

March 26, 2019

Greetings from Mount Shasta, California to the Corte Madera Planning Commission,

We are writing to you all the way from Mount Shasta in Siskiyou County because our town is the "canary in the mine" of California cannabis businesses. We noticed from reading a news article that the Corte Madera Planning Commission will discuss a proposed cannabis business on Tuesday, March 25. According to the Marin IJ article, the Planning Commission will discuss banning dispensaries, manufacturing plants, and commercial operations. However, it seems as though there will be a possibility of home based outdoor gardens. Our community of 3, 330 has a great deal of experience with cannabis businesses including home based gardens.

After the City Council of Mount Shasta, (population, 3385 residents) received intense pressure from the cannabis industry during the past 2 years, they granted a number of licenses which ranged from 21-27 for several categories and uncapped (unlimited home gardens). Now the cannabis industry operating through "local" businessmen is pushing for additional licenses and a reduction in buffer zones around children's day care centers, schools, and youth centers from 600 feet to 450 feet to make room for more cannabis businesses of all types. Following are some of the unintended consequences of "well meaning" local cannabis ordinances:

1. A number of complaints have been called in to the City about strong skunk-like odors coming from residential cannabis home gardens as well as cannabis manufacturing facilities. Some residents described the odors as similar to sewer gas or "rotting flesh." Those who called law or code enforcement officers were told: "There is nothing we can do about it. Get used to it."
2. The Mount Shasta Unified School Board received a letter from a group of students who asked them to prevent the marijuana industry from shrinking the buffer zones around schools. One of the School Board members read the letter during a meeting that we attended. The children who wrote said that there is now so much "stinky pot smell" near their homes from neighbors who are either growing it or smoking it. The children's letter said that people in the stores "smell like pot" and the parts of town always smells bad, so the schools are the only place they get a break from the odors. There are only 4 miles between the most southern and northern exits of Mount Shasta and most of our cannabis businesses are concentrated in a two mile zone.
3. The School Boards of the elementary, middle and high schools passed resolutions to protect the school buffer zone and asked the Mount Shasta City Council to consider any potential ramifications of cannabis use by minors. A local high school student tragically drowned in Siskiyou Lake last year after he and his friends got high on marijuana, according to our County Coroner whose appeal to the City Council to put youth before profits were ignored.
4. Now that we have so many cannabis businesses, we have so much more marijuana in our small town than before these cannabis businesses got help from our city government to open up shop. Many locals who voted for both Prop 64 and for a cannabis tax have stated during public hearings that they were informed about the long term consequences and they now regret any votes in support of cannabis. Local shop owners have reported that they are losing international tourist groups who used to come to Mount Shasta because they don't like the weed odor from various places in town and the reeking locals. Several tour groups left local shops altogether and said they won't return next year. Our Mount Shasta Planning Commission even received a letter from a South American businessman who said that many South Americans who came to Mount Shasta annually were not planning to return until the marijuana stench is gone from our community, which was once known for its pure air. We can share a copy of that letter with you if you request it. The Japanese tourists seem to be the most repulsed by the marijuana odor since they are not used to it. Our business community is deeply concerned about our local economy.
5. A Mount Shasta homeowner was unable to sell her home because she lived next to a home where marijuana was grown- legally- since her neighbor had a permit to grow the plants. She had offers from two different buyers but both banks turned the loans down due to her home's proximity to the marijuana grow garden. Not wanting to inhale any more marijuana from her

neighbor, knowing that she could never sell her home, she rented out her home and moved out of state. Two couples who moved here after forest fires were going to buy homes in Mount Shasta but they are now reconsidering since there might be problems reselling their homes in the future if there are neighbors with marijuana grow gardens.

6. Real estate publications have warned about home property values dropping in early-adopter cannabis communities when near homes with marijuana grows. A Sacramento Bee quote in an article called: **Marijuana's Impacts on Property Values:** "Reporting on the effects of pot legalization on Colorado home prices, Realtor.com said, "homes within a half-mile of a marijuana business often have lower property value than homes in the same county that are farther out" and that "neighborhoods with grow houses are the least desirable, with an 8.4 percent price discount.....In a legal question-and-answer paper, CAR did recommend to agents that they disclose marijuana growing on properties next door to listings because marijuana cultivation still violates federal law, and 'the buyer may have concerns or may wish to investigate if the activity is being lawfully or unlawfully done.'

7. In addition to odors of marijuana growing and home or manufacturing processes, and drifting smoke, there are concerns about mold, pesticides, high electricity and water use associated with marijuana grows. An article from Eugene Oregon, published a year ago, written by a professor and school board member, describes health, social and environmental impact within 1-2 miles of marijuana processing plants. Earlier in the year, the Eugene City Council told the Eugene, Oregon newspaper: <https://www.registerguard.com/rg/opinion/36109717-78/living-near-marijuana-grow-can-be-unhealthy-experience.html.csp>

8. A study was just released from Colorado that showed that for every dollar received in fees or taxes, societal costs (related to cannabis) exceed \$4.50 due to damages done. We have seen studies that show far higher costs - as high as ten dollars in damage for every cannabis tax dollar.

Our community is close to Southern Oregon where cannabis stench is common. We wish that our town would have heeded the warnings from Colorado, Washington, and Oregon where many communities regret that they opened their doors to the cannabis industry and succumbed to the marijuana fantasy economy of increased taxes, jobs, etc. Here in Mount Shasta, we have referred to Mill Valley, Corte Madera and other communities as model cities for putting their youth and their environments before cannabis profits. We wish our current leaders cared as much as you care about your community. Our beautiful town of Mount Shasta has changed dramatically (for the worse) since the door was opened to the cannabis industry. You still have a chance to maintain the culture, beauty, fragrant air, excellent property values, low crime, youth safety and elegance of Corte Madera. Don't let it get "run down" by the cannabis industry. As they say in Colorado, "it's hard to put the cannabis genie back in the bottle" once you let it out. Protect your community while you still can. We hope you can learn from our community's (and others') mistakes.

Thank you for caring about your community's youth and environment,

Parents, teachers, clergy, health care workers and other residents of Mount Shasta

Email: mtshastacares@protonmail.com

Web: www.mountshastacommunity.org

Phil Boyle

From: Kelsey Fernandez <kelsey@thecoalitionconnection.com>
Sent: Tuesday, March 26, 2019 11:44 AM
To: Adam Wolff; Margaret Bandel; Robert Bundy; Peter Chase; Charles Lee
Cc: Phil Boyle
Subject: Cannabis ordinance
Attachments: Di Forte 2019 Figure 1.jpeg; Di Forte 2019 Figure 2.jpeg; Di Forti 2019 The contribution of cannabis use to variation in the incidence of psychotic disorder across Europe (EU-GEI)- a multicentre case-control study.pdf; Corte Madera Cannabis Ordinance 2.pdf; CorteMaderaTownCouncilCannabisOrdinancefromCoalitionConnection 101118.2.pdf

Dear Commissioners,

The Coalition Connection is a group of community members, youth, and professionals from many aspects of society including public health and medical professionals in Corte Madera, Larkspur and San Anselmo.

We very much appreciate that staff is recommending that Corte Madera adopt a permanent ban on all commercial cannabis activity within Corte Madera, with the exemption of delivery into Corte Madera from entities outside of the jurisdiction.

In Central Marin County, teen rates of cannabis use are among the highest in California. In 2018 in Tamalpais Union District high schools, 22% of 9th graders reported current use, 40% among 11th graders, and 79% among students in alternative high schools.

The science is well established that 1 in 10 cannabis users will become addicted. Teens whose brains are still developing are particularly vulnerable to developing addiction.

Now we face a serious problem of high-potency THC products, including marijuana strains cultivated in people's back yards that can reach 20% THC concentration.

Research just published on March 19 (attached) shows that in a large sample of adults ages 18-64 in Amsterdam, those who used high-potency cannabis (THC $\geq 10\%$) more than once a week were almost five times as likely to experience first-episode psychosis compared to those who never used cannabis, and those who used high-potency cannabis daily were over 9 times more likely to experience first-episode psychosis. This is particularly concerning for teens who are gaining access to high-potency cannabis commercially or through personal cultivation.

We believe that banning commercial cannabis activity in Corte Madera sends a strong message to our young people that we, as a community, prioritize their health and well-being.

We also believe that prohibiting outdoor growing for personal cultivation reinforces our community's message to teens and kids about the risks of using cannabis – and avoids further normalizing of cannabis use, ensures neighborhood harmony, and protects public safety.

A ban on outdoor cultivation will:

1. reduce children's and teens' exposure to marijuana plants being grown in backyards when they visit friends, and reduce their exposure to the smell marijuana throughout their community.
2. prevent arguments and conflict between neighbors about the pungent odor of "skunk" drifting into neighbor's homes and yards.
3. prevent teens or criminals from breaking into backyards to steal valuable plants.

For background information, we are attaching two previous letters the Coalition Connection submitted on the issue of cannabis ordinance in Corte Madera.

Thank you for your consideration of this important public health and safety issue.

Sincerely,
Kelsey Fernandez

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Kelsey Fernandez
Project Coordinator
The Coalition Connection
www.thecoalitionconnection.com



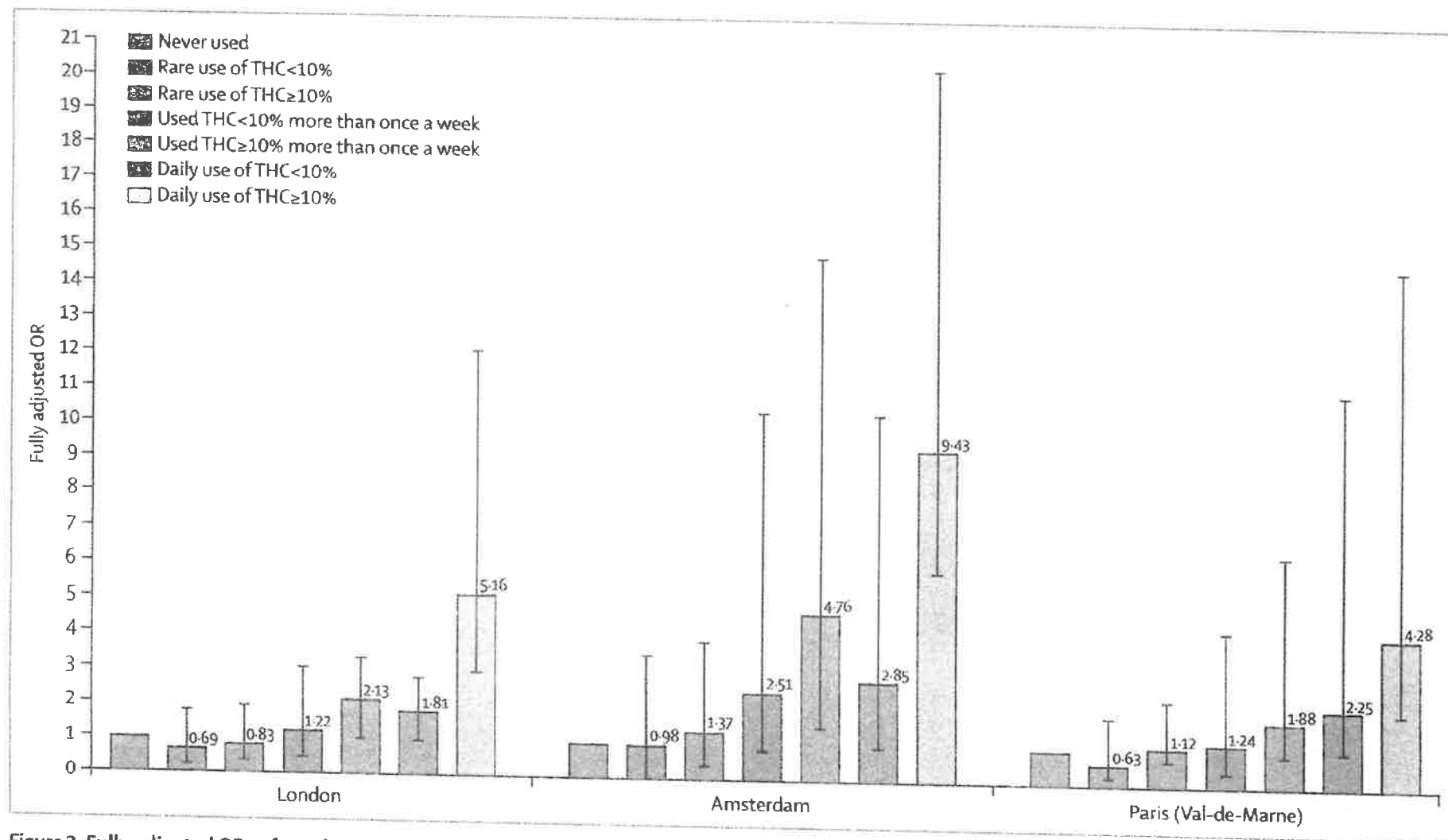


Figure 2: Fully adjusted ORs of psychotic disorders for the combined measure of frequency plus type of cannabis use in three sites

Data are shown for the three sites with the greatest consumption of cannabis: London (201 cases, 230 controls), Amsterdam (96 cases, 101 controls), and Paris (54 cases, 100 controls). Error bars represent 95% CIs. OR=odds ratio.

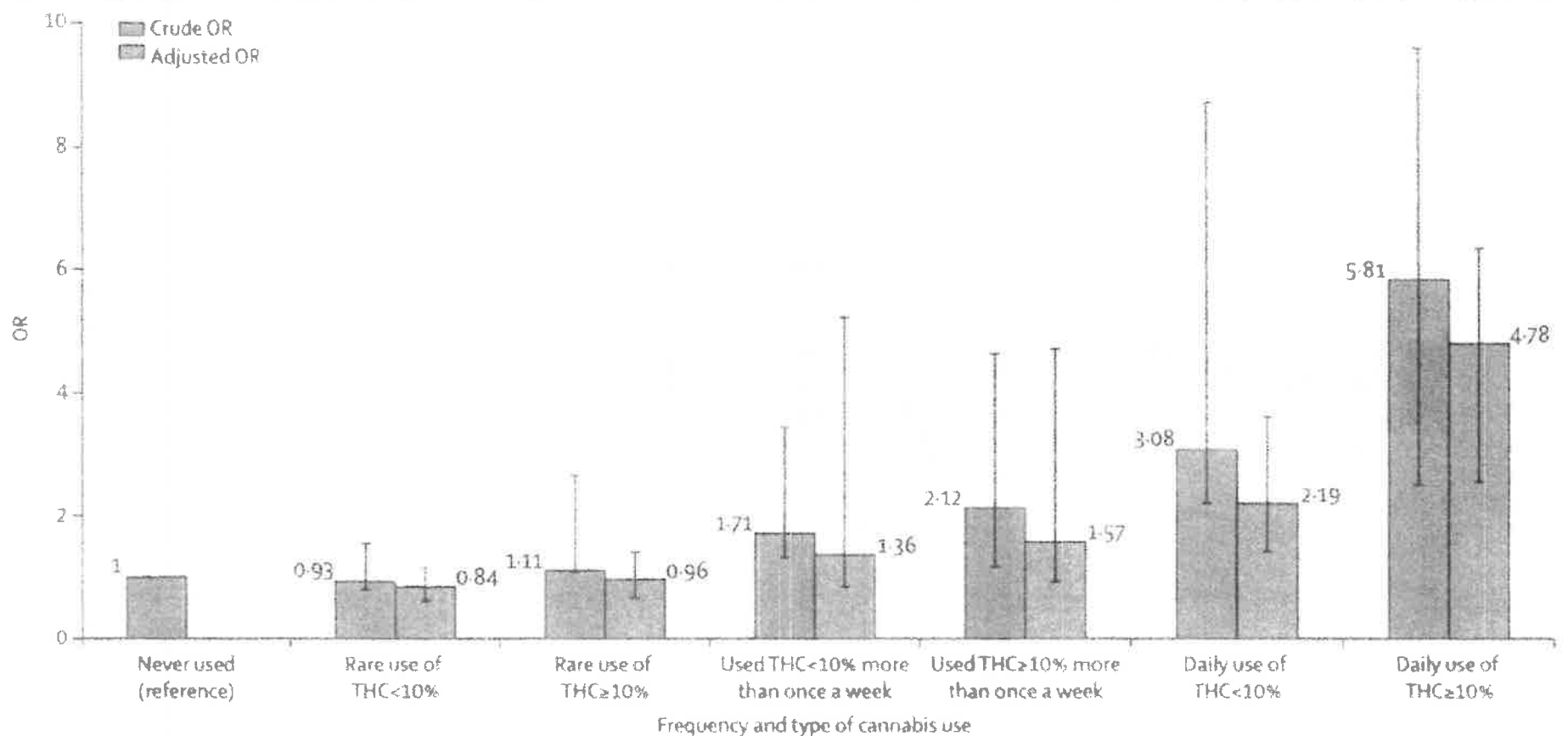


Figure 1: Crude and fully adjusted ORs of psychotic disorders for the combined measure of frequency plus type of cannabis use in the whole sample
 Crude ORs are adjusted only for age, gender and ethnicity and fully adjusted ORs are additionally adjusted for level of education, employment status, and use of tobacco, stimulants, ketamine, legal highs, and hallucinogenics. Error bars represent 95% CIs. OR=odds ratio.

The contribution of cannabis use to variation in the incidence of psychotic disorder across Europe (EU-GEI): a multicentre case-control study



Marta Di Forti, Diego Quattrone, Tom P Freeman, Giada Tripoli, Charlotte Gayer-Anderson, Harriet Quigley, Victoria Rodriguez, Hannah E Jongasma, Laura Ferraro, Caterina La Cascia, Daniele La Barbera, Ilaria Tarricone, Domenico Berardi, Andrei Szöke, Celso Arango, Andrea Tortelli, Eva Velthorst, Miguel Bernardo, Cristina Marta Del-Ben, Paulo Rossi Menezes, Jean-Paul Selten, Peter B Jones, James B Kirkbride, Bart PF Rutten, Lieuwe de Haan, Pak C Sham, Jim van Os, Cathryn M Lewis, Michael Lynskey, Craig Morgan, Robin M Murray, and the EU-GEI WP2 Group*

Summary

Background Cannabis use is associated with increased risk of later psychotic disorder but whether it affects incidence of the disorder remains unclear. We aimed to identify patterns of cannabis use with the strongest effect on odds of psychotic disorder across Europe and explore whether differences in such patterns contribute to variations in the incidence rates of psychotic disorder.

Methods We included patients aged 18–64 years who presented to psychiatric services in 11 sites across Europe and Brazil with first-episode psychosis and recruited controls representative of the local populations. We applied adjusted logistic regression models to the data to estimate which patterns of cannabis use carried the highest odds for psychotic disorder. Using Europe-wide and national data on the expected concentration of Δ^9 -tetrahydrocannabinol (THC) in the different types of cannabis available across the sites, we divided the types of cannabis used by participants into two categories: low potency (THC <10%) and high potency (THC \geq 10%). Assuming causality, we calculated the population attributable fractions (PAFs) for the patterns of cannabis use associated with the highest odds of psychosis and the correlation between such patterns and the incidence rates for psychotic disorder across the study sites.

Findings Between May 1, 2010, and April 1, 2015, we obtained data from 901 patients with first-episode psychosis across 11 sites and 1237 population controls from those same sites. Daily cannabis use was associated with increased odds of psychotic disorder compared with never users (adjusted odds ratio [OR] 3.2, 95% CI 2.2–4.1), increasing to nearly five-times increased odds for daily use of high-potency types of cannabis (4.8, 2.5–6.3). The PAFs calculated indicated that if high-potency cannabis were no longer available, 12.2% (95% CI 3.0–16.1) of cases of first-episode psychosis could be prevented across the 11 sites, rising to 30.3% (15.2–40.0) in London and 50.3% (27.4–66.0) in Amsterdam. The adjusted incident rates for psychotic disorder were positively correlated with the prevalence in controls across the 11 sites of use of high-potency cannabis ($r=0.7$; $p=0.0286$) and daily use ($r=0.8$; $p=0.0109$).

Interpretation Differences in frequency of daily cannabis use and in use of high-potency cannabis contributed to the striking variation in the incidence of psychotic disorder across the 11 studied sites. Given the increasing availability of high-potency cannabis, this has important implications for public health.

Funding source Medical Research Council, the European Community's Seventh Framework Program grant, São Paulo Research Foundation, National Institute for Health Research (NIHR) Biomedical Research Centre (BRC) at South London and Maudsley NHS Foundation Trust and King's College London and the NIHR BRC at University College London, Wellcome Trust.

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Introduction

Many countries have legalised or decriminalised cannabis use, leading to concerns that this might result in an increase in cannabis use and associated harm,^{1,2} even if the latter only affects a minority of the population.³ Cross-sectional and prospective epidemiological studies^{4,5} as well as biological evidence⁶ support a causal link between cannabis use and psychotic disorder. Meta-analysis shows a dose–response association with the highest odds of psychotic disorder in those with the heaviest cannabis use.⁷ Nevertheless, it is not clear whether, at a population

level, patterns of cannabis use influence rates of psychotic disorder.^{8–10}

A systematic review¹¹ has described a five-times variation in the incidence of schizophrenia worldwide. A transnational case-control study (EU-GEI) has reported an eight-times difference in the incidence of psychotic disorder across 16 European sites plus one in Brazil.¹² Differences in the distribution of risk factors for psychosis, such as cannabis use, among the populations studied might contribute to these variations.

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*Collaborators listed in the appendix

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Research in context

Evidence before this study

The evidence reporting the dose-dependent association between cannabis use and psychotic disorders has been summarised in the meta-analysis by Marconi and colleagues. We searched PubMed for studies published up to March 31, 2018, that had specifically measured the impact of high-potency cannabis use on the odds of psychotic disorder (not psychotic symptoms or psychosis in general) or that had calculated the proportion of new cases of psychotic disorder arising in specific populations that were attributable to the use of high-potency cannabis, using the terms "psychotic disorders" and "high potency cannabis" or "skunk-super skunk" or "high THC cannabis"; we also included the term "population attributable fraction". Finally, we searched for studies that reported the impact of any use of cannabis on the incidence of psychotic disorder or schizophrenia. Three studies met our inclusion criteria. Boydell and colleagues speculated that an increase in the incidence rates of schizophrenia between 1965 and 1999 in south London might be related to the increase, over the same period, in the prevalence of cannabis use in the year before first presentation. Our two previous case-control studies showed that high-potency cannabis, especially when used daily, carries the highest risk for psychotic disorder and that, assuming causality, 24% of new cases of psychotic disorder in south London could be attributed to the use of high potency cannabis.

Added value of this study

This multicentre case-control study across ten European and one Brazilian site replicates the strong effect of daily use of

Therefore, using data from the EU-GEI case-control study of first-episode psychosis and the previously published data on incidence,¹² we sought to describe differences in patterns of cannabis use across sites, identify the measure of cannabis use with the strongest impact on odds of psychotic disorder across sites, calculate the population attributable fraction (PAF) for the patterns of cannabis use associated with the highest odds for psychosis, and test whether differences in patterns of cannabis use contribute to variations in the incidence of psychotic disorder across sites.

Methods

Study design

The EU-GEI project set out to estimate the incidence of psychosis and recruit first-episode psychosis cases and controls to investigate risk factors for psychotic disorder. First, incidence rates were estimated¹² by identifying all individuals with a first episode of psychosis who presented to mental health services between May 1, 2010, and April 1, 2015, in 17 areas in England, France, the Netherlands, Italy, Spain, and Brazil (appendix). Second, to investigate risk factors, we attempted to assess 1000 first-episode cases and 1000 population-based controls during the same period.

high-potency cannabis on the odds for psychotic disorder in the whole sample—which, to our knowledge, is the largest to date to address this question. This effect was particularly visible in London and Amsterdam. Additionally, we show that, assuming causality, if high-potency cannabis types were no longer available, then 12% of cases of first-episode psychosis could be prevented across Europe, rising to 30% in London and 50% in Amsterdam. Most importantly, we provide the first direct evidence that cannabis use has an effect on variation in the incidence of psychotic disorders. We show that differences in the prevalence of daily use of cannabis, and in use of high-potency cannabis, among the controls from the different study sites made a major contribution to the striking variations in the incidence rates of psychotic disorder that we have previously reported across the same sites.

Implications of all available evidence

In the context of the well reviewed epidemiological and biological evidence of a causal link between heavy cannabis use and psychotic disorders, our findings have substantial implications for mental health services and public health. Education is needed to inform the public about the mental health hazards of regular use of high-potency cannabis, which is becoming increasingly available worldwide.

Participants

Patients presenting with their first episode of psychosis were identified by trained researchers who carried out regular checks across the mental health services within the 17 catchment areas (one site per catchment area). Patients were eligible if they were aged 18–64 years and resident within the study areas at the time of their first presentation with a diagnosis of psychosis by ICD-10 criteria (F20–33); details are provided in the supplementary methods and in previous publications.¹² Cases were approached via their clinical team and invited to participate. Using the Operational Criteria Checklist algorithm, all cases interviewed received a research-based diagnosis.¹³ Patients were excluded if they had been previously treated for psychosis or if they met criteria for organic psychosis (F09) or for psychotic symptoms resulting from acute intoxication (F1X.5).

We adopted quota sampling strategies to guide the recruitment of controls. Accurate local demographic data were used to set quotas for controls to ensure the samples' representativeness of each catchment area's population at risk in terms of age, gender, and ethnicity. Potential controls were initially identified on the basis of locally available sampling strategies, most commonly random sampling from lists of all postal addresses and from general practitioner lists from randomly selected

surgeries. To achieve representation of hard-to-reach groups (eg, young men), we then tried to oversample them using more ad-hoc approaches such as internet and newspaper advertisements, and leaflets at local stations, shops, and job centres. Controls were excluded if they had received a diagnosis of, or treatment for, psychotic disorder.

All participants provided informed, written consent. Ethical approval was provided by research ethics committees in each site.

Measures

We obtained sociodemographic data using the Medical Research Council Sociodemographic Schedule, as described previously.¹⁴ An updated version of the modified Cannabis Experience Questionnaire¹⁵ (CEQ_{update}) was used to gather detailed history of use of cannabis and other recreational drugs (appendix). To minimise recall bias, none of the recruitment materials for cases or controls mentioned cannabis or referred to its potential role as risk factor for psychotic disorder. Participants were asked if they had ever used cannabis in their lifetime; if the answer was yes, they were then asked to give details on their pattern of use. Questions on the type of cannabis used made no reference to its potency and allowed participants to report the colloquial name, in any language, of the cannabis they used.

We included six measures of cannabis use in the initial analyses, including lifetime cannabis use (ie, whether or not the individual had ever used cannabis), currently using cannabis, age at first use of cannabis,¹⁶ lifetime frequency of use (ie, the frequency that characterised the individual's most consistent pattern of use), and money spent weekly on cannabis during their most consistent pattern of use. Using data published in the European Monitoring Centre for Drugs and Drug Addiction 2016 report¹⁷ that reported the concentration of Δ^9 -tetrahydrocannabinol (THC) in the types of cannabis available across Europe, supplemented by national data for each included country,¹⁸⁻²⁶ we created the final measure of cannabis potency (appendix).

Statistical analysis

We used complete case analyses for all analyses using Stata version 14. We used inverse probability weights to account for any oversampling of controls relative to the populations at risk (appendix); we gave each control's data a weight inversely proportional to their probability of selection given their key demographics (age, gender, and ethnicity) using census data on relevant populations. These weights were applied in all analyses.

To identify potential confounders, we used χ^2 and *t* tests to test for an association between sociodemographic data and the data on drug use with case-control status in the whole sample. On the basis of the χ^2 and *t* tests, data on the use of other recreational drugs were included as confounders in the main analyses, with low or no use scored as 0 and use scored as 1 in categorical variables:

tobacco (never used or smoked <10 cigarettes per day vs smoked \geq 10 cigarettes or more per day); stimulants, hallucinogens, ketamine, and novel psychoactive substances (so-called legal highs; never tried vs ever tried); and mean number of alcoholic drinks consumed daily on an average week. All sociodemographic and drug-use variables associated with case-control status were controlled for in all analyses (appendix).

We applied adjusted logistic regression models to estimate the effect of each of the six measures of cannabis use on the odds of a psychotic disorder (ie, case status). The data have a multilevel structure because cases and controls are nested within sites. To take account of this clustering in the logistic regression analysis, we used the cluster option in Stata. We fitted interaction terms to logistic models. These interaction models, using likelihood ratio tests, were run to investigate whether individual measures of cannabis use interacted with each other to significantly increase the odds ratios (ORs) for psychotic disorder and whether the ORs for psychotic disorder of the individual measures of cannabis use varied significantly by site.

The STATA *punafcc* command was used to calculate the population attributable fraction (PAF) with 95% CIs for the two cannabis use measures that carried the largest adjusted OR for psychosis. The PAF measures the population effect of an exposure by providing an estimate of the proportion of disorder that would be prevented if the exposure were removed, assuming causality.

To account for potential selection bias, we did a probabilistic sensitivity analysis using the STATA *episensi* command.²⁷ This analysis assumes that we can assign prior probability distributions for the bias parameters, which capture the uncertainty about those parameters, and use these distributions in a probabilistic sensitivity analysis (appendix).

Finally, we used Pearson's correlation to test for an association between the incidence rates for psychotic disorder adjusted for ethnic minority status in each site and the prevalence of daily cannabis use and use of high-potency cannabis in the controls as representing the general population for each site.

Role of the funding source

Study funders contributed to the salaries of the research workers employed but did not participate in the study design, data analyses, data interpretation, or writing of the manuscript. All authors had full access to the study data and had final responsibility for the decision to submit for publication.

Results

Between May 1, 2010, and April 1, 2015, we approached 1519 patients with first-episode psychosis; 356 (23%) refused to participate, 19 (1%) could not consent because of language barriers, and 14 (0.9%) were excluded because they did not meet the age inclusion

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See Online for appendix

	Controls (n=1237)	Cases (n=901)	p value
Age, years	36.0 (12.8)	31.2 (10.6)	<0.0001
Gender			<0.0001
Female	655 (53.0%)	343 (38.1%)	**
Male	582 (47.0%)	558 (61.9%)	**
Self-reported ethnicity			<0.0001
White	930 (75.2%)	532 (59.0%)	**
Black	118 (9.5%)	168 (18.6%)	**
Mixed	113 (9.1%)	104 (11.5%)	**
Asian	33 (2.7%)	32 (3.6%)	**
North African	23 (1.9%)	42 (4.7%)	**
Others	20 (1.6%)	23 (2.6%)	**
Education			<0.0001
School with no qualifications	66 (5.3%)	158 (17.5%)	**
School qualifications	159 (12.9%)	232 (25.7%)	**
Vocational or undergraduate	826 (66.8%)	465 (51.6%)	**
Postgraduate	177 (14.3%)	36 (4.0%)	**
Data missing	9 (0.7%)	10 (1.1%)	**
Employment status 1 year before assessment			<0.0001
Unemployed	95 (7.7%)	169 (18.8%)	**
Economically inactive (ie, house person)	122 (9.9%)	62 (6.9%)	**
Student	215 (17.4%)	146 (16.2%)	**
Employee (full time/part time/self-employed)	805 (65.1%)	488 (54.2%)	**
Data missing	0	36 (4.0%)	**
Lifetime cannabis use			<0.001
Yes	574 (46.4%)	585 (64.9%)	**
No	650 (52.5%)	303 (33.6%)	**
Data missing	13 (1.1%)	13 (1.4%)	**
Lifetime tobacco use			<0.0001
Smokes ≥10 cigarettes per day	158 (12.8%)	296 (32.9%)	**
Smokes <10 cigarettes per day	238 (19.2%)	182 (20.1%)	**
Never used	838 (67.8%)	421 (46.8%)	**
Data missing	3 (0.2%)	2 (0.2%)	**
Lifetime use of other drugs			
Legal highs	30 (2.4%)	39 (4.3%)	0.0142
Stimulants	149 (12.0%)	196 (21.8%)	<0.0001
Hallucinogens	111 (9.0%)	131 (14.5%)	<0.0001
Ketamine	35 (2.8%)	55 (6.1%)	0.0002
Data missing	2 (0.2%)	0	**

Data are n (%) or mean (SD).

Table 1: Sociodemographics and lifetime history of substance misuse across all included cases and controls

criteria. Patients who refused to participate were older ($p=0.0015$), more likely to be women ($p=0.0063$) and of white European origin ($p<0.0001$; appendix).

Thus, 1130 cases took part. These cases were broadly representative for gender and ethnicity of the incidence sample, although younger (mean age 31.2 years [SD 10.6], median 29 years [IQR 23–37] for cases vs mean 34.5 years [12.0], median 31 years [23.0–41.0] for the total incidence; $p<0.0001$; details by site are available in the appendix). All 17 sites contributed to the recruitment of 1499 population controls except for Maison Blanche, which was consequently excluded from the analysis (appendix).

Most sites had minimal missing sociodemographic ($\leq 3\%$) or CEQ_{EU-GEI} data ($<5\%$). However, Verona, Santiago, Oviedo, Valencia, and Cuenca had at least 10% of data missing on the measures of cannabis use or on one or more of the main confounding variables; therefore, given their small sample sizes there was insufficient data to include these sites in the analysis. This resulted in 901 cases and 1237 controls for analysis.

Compared with controls, cases were younger, more often men, and from ethnic minorities, than the controls (table 1). Controls were more likely to have pursued higher education ($p<0.0001$) and to have been employed a year before assessment than cases ($p<0.0001$; table 1); the differences in gender, ethnicity, education, and employment are those expected when comparing patients with psychosis with general population samples.

More cases than controls reported having ever used cannabis, having smoked ten tobacco cigarettes or more a day, or having tried other recreational drugs (table 1). We found no difference between cases and controls in the mean number of alcoholic drinks consumed every day on an average week (5.2 drinks [SD 0.4] among controls vs 4.8 drinks [0.4] among cases; median 2.0 drinks [IQR 0.0–6.0] for controls vs 1.0 drink [0.0–4.0]; $p=0.45$).

An adjusted logistic regression model showed that those who had ever used cannabis had a modest increase in odds of psychotic disorder compared with those who had never used it (table 2); the odds were slightly greater in those who started to use cannabis at age 15 years or younger.

Daily cannabis use was associated with increased odds of psychotic disorder compared with never having used it (table 2); this remained largely unchanged when taking into account age at first use (OR 3.1, 95% CI 2.1–5.2), money spent (2.9, 1.9–4.4), and type of cannabis used (2.6, 2.0–3.9). Those who spent €20 or more a week showed more than a doubling in the odds of a psychotic disorder (2.5, 1.6–3.8), which dropped to 1.3 (95% CI 1.0–2.1) after controlling for daily use and type of cannabis used; we observed no interaction between daily use and money spent ($p=0.67$).

Use of high-potency cannabis (THC $\geq 10\%$) modestly increased the odds of a psychotic disorder compared with never use (table 2); this remained largely unchanged after controlling for daily use (OR 1.5, 95% CI 1.1–2.6). Those who had started using high-potency cannabis by age 15 years showed a doubling of risk (2.3, 1.4–3.1), without evidence of interaction ($p=0.63$).

Frequency of use and type of cannabis used were combined to generate a single-measure of frequency plus type of use because these two measures had the highest ORs. Adjusted logistic regression indicated that daily use of high-potency cannabis carried more than a four-times increase in the risk of psychotic disorder (OR 4.8, 95% CI 2.5–6.3) compared with never having used cannabis; the odds were lower for those who used low-potency cannabis daily (2.2, 1.4–3.6; figure 1). Nevertheless, there was no evidence of interaction

	Controls (n=1237)	Cases (n=901)	p value*	Crude OR (95% CI)†	p value	Fully adjusted OR (95% CI)†	p value
Lifetime cannabis use‡							
No	650 (52.5%)	303 (33.6%)	..	1 (ref)	..	1 (ref)	..
Yes	574 (46.4%)	585 (64.9%)	..	2.45 (2.0-2.9)	<0.0001	1.3 (1.1-1.6)	0.0225
Currently using cannabis	132 (10.7%)	198 (22.0%)	0.00349	2.7 (2.1-3.5)	<0.0001	1.1 (0.9-1.5)	0.36
First used cannabis age ≤15 years old	169 (13.7%)	257 (28.6%)	<0.0001	3.9 (3.0-4.9)	<0.0001	1.6 (1.1-2.1)	0.0122
Lifetime frequency of use							
Never or occasional use	1061 (85.8%)	528 (58.7%)	..	1 (ref)	..	1 (ref)	..
Used more than once a week	92 (7.4%)	107 (11.9%)	..	2.5 (1.9-3.5)	<0.0001	1.4 (1.0-2.0)	0.066
Daily use	84 (6.8%)	266 (29.5%)	..	6.2 (4.8-8.2)	<0.0001	3.2 (2.2-4.1)	<0.0001
Spent at least €20 per week on cannabis	40 (3.2%)	156 (17.4%)	<0.0001	5.6 (4.0-7.7)	<0.0001	2.5 (1.6-3.8)	<0.0001
Lifetime use of cannabis by potency§							
Low potency (THC <10%)	331 (26.7%)	251 (27.9%)	..	2.0 (1.6-2.5)	<0.0001	1.1 (0.9-1.5)	0.38
High potency (THC ≥10%)	240 (19.4%)	334 (37.1%)	..	3.2 (2.6-4.0)	<0.0001	1.6 (1.2-2.2)	0.0032

Crude ORs are adjusted only for age, gender, and ethnicity whereas fully adjusted ORs are additionally adjusted for level of education, employment status, tobacco, stimulants, ketamine, legal highs, and hallucinogenics. OR=odds ratio. THC=Δ⁹-tetrahydrocannabinol. *p value for χ² test. †Reference group for both crude and adjusted ORs is the never users unless specified otherwise. ‡Data were missing for 13 individuals in each group §Data were missing for three controls

Table 2: Measure of cannabis use and ORs for psychotic disorders for case-control sample across 11 sites

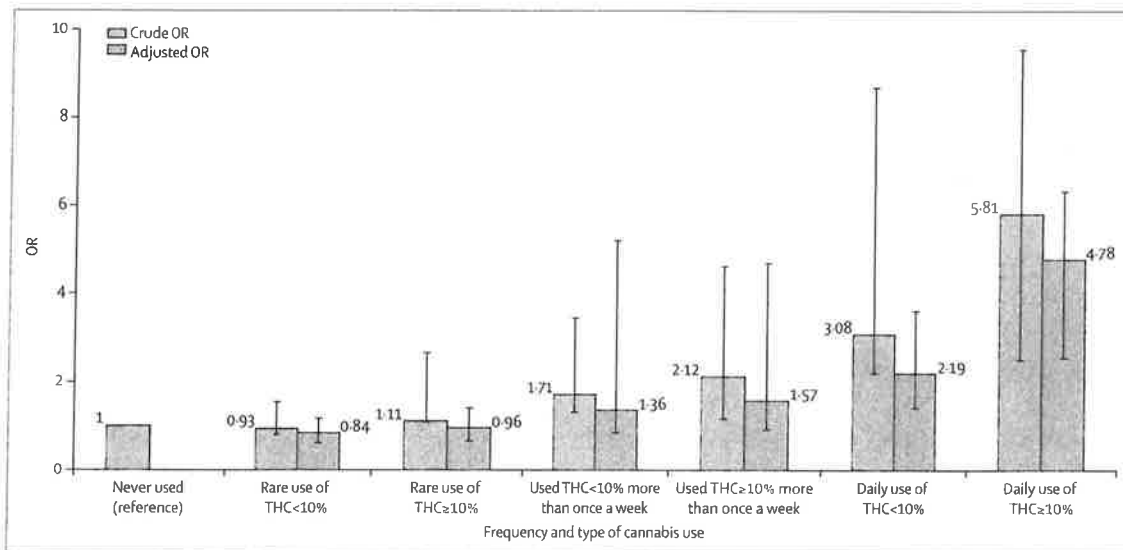


Figure 1: Crude and fully adjusted ORs of psychotic disorders for the combined measure of frequency plus type of cannabis use in the whole sample Crude ORs are adjusted only for age, gender and ethnicity and fully adjusted ORs are additionally adjusted for level of education, employment status, and use of tobacco, stimulants, ketamine, legal highs, and hallucinogenics. Error bars represent 95% CIs. OR=odds ratio.

between frequency of use and type of cannabis used (p=0.25).

When considering variation by site, neither the ORs for daily use (p=0.25) nor those for high-potency cannabis (p=0.45), compared with never use, varied significantly across sites (table 3). The observed differences in ORs for daily use ranged from 7.1 (95% CI 3.4-11.8) in Amsterdam to 1.1 (0.4-12.2) in Puy de Dôme. Similarly, the differences in the ORs for use of high-potency cannabis, ranging from 3.6 (1.5-7.7) in Amsterdam to 0.6 (0.1-2.5) in Palermo, are consistent with the geographical differences in its availability.¹⁷

In the three sites with the greatest consumption of high-potency cannabis, daily use of high-potency cannabis was associated with the greatest increase in the odds for psychotic disorder compared with never having used: four times greater in Paris, five times greater in London, and more than nine times greater in Amsterdam (figure 2).

Based on the prevalence of daily cannabis use, and use of high potency cannabis, in cases and controls and the corresponding adjusted ORs, we estimated the PAFs for the whole sample and for each of the sites (table 3). Assuming causality, the proportion of new cases of psychotic disorder in the whole sample attributable to

	Fully adjusted OR (95% CI)	Prevalence of exposure in controls	Prevalence of exposure in cases	PAF (95% CI)
High-potency cannabis (THC \geq10%)				
Whole sample	1.6 (1.2-2.2)	19.1%	35.1%	12.2% (3.0-16.1)*
London (UK)	2.4 (1.4-4.0)	26.0%	51.5%	30.3% (15.2-40.0)*
Cambridge (UK)	1.3 (0.4-4.3)	11.0%	34.7%	8.2% (0.5-18.7)
Amsterdam (Netherlands)	3.6 (1.5-7.7)	54.0%	69.6%	50.3% (27.4-66.0)*
Gouda and Voorhout (Netherlands)	1.5 (0.8-3.1)	18.2%	36.0%	12.2% (8.7-25.3)*
Paris (Val-de-Marne; France)	2.1 (0.8-3.6)	21.0%	35.9%	18.9% (14.6-36.0)*
Puy de Dôme (France)	1.5 (0.4-5.8)	3.7%	7.1%	2.3% (0.6-17.2)
Madrid (Spain)	2.0 (0.7-5.7)	15.1%	34.0%	17.2% (0.9-25.0)
Barcelona (Spain)	1.6 (0.5-5.1)	7.8%	13.2%	4.7% (0.5-12.4)
Bologna (Italy)	1.2 (0.8-1.7)	8.7%	11.1%	1.9% (0.6-16.3)
Palermo (Italy)	0.6 (0.1-2.5)	5.2%	4.3%	Not calculated
Ribeirão Preto (Brazil)	2.1 (0.6-11.3)	1.5%	3.6%	1.9% (0.3-4.1)
Daily cannabis use				
Whole sample	3.2 (2.2-4.1)	6.8%	29.5%	20.4% (17.6-22.0)*
London (UK)	3.6 (1.4-4.4)	11.7%	29.0%	21.0% (11.1-31.2)*
Cambridge (UK)	2.2 (0.8-6.5)	4.0%	20.2%	10.4% (4.7-21.0)*
Amsterdam (Netherlands)	7.1 (3.4-11.8)	13.1%	51.0%	43.8% (34.0-69.1)*
Gouda and Voorhout (Netherlands)	2.8 (1.4-20.3)	6.0%	27.0%	17.4% (1.1-23.1)*
Paris (Val-de-Marne; France)	2.8 (1.7-12.3)	11.6%	32.3%	20.8% (13.5-36.1)*
Puy de Dôme (France)	1.1 (0.4-12.2)	6.0%	11.0%	1.2% (0.8-15.4)
Madrid (Spain)	2.5 (2.1-7.3)	10.5%	21.2%	12.7% (3.7-14.2)*
Barcelona (Spain)	1.8 (0.8-8.7)	8.3%	18.9%	8.6% (0.6-9.9)
Bologna (Italy)	2.0 (0.5-5.8)	4.1%	17.3%	8.2% (0.8-11.7)
Palermo (Italy)	1.7 (0.7-9.7)	5.1%	17.1%	6.3% (0.9-21.1)
Ribeirão Preto (Brazil)	2.4 (1.5-7.5)	7.4%	25.0%	14.5% (10.2-24.1)*

OR=odds ratio. PAF=population attributable fraction. *p<0.05.

Table 3: PAFs for daily use of cannabis and use of high-potency cannabis in the whole sample and by site

daily use was 20.4% (95% CI 17.6–22.0) and 12.2% (3.0–6.1) for use of high-potency cannabis (table 3).

The PAF analysis revealed variations by sites, ranging from 43.8% (95% CI 34.0–69.1) of new cases of psychotic disorder in Amsterdam being attributable to daily use to just 1.2% (0.8–15.4) of cases in Puy de Dôme. Furthermore, the PAF for use of high-potency cannabis ranged from 50.3% (27.4–66.0) of cases in Amsterdam to 1.9% (0.6–16.3) estimated in Bologna. We did not calculate the PAF for Palermo because there was no main effect of use of high-potency cannabis on the odds for psychotic disorder.

The probabilistic sensitivity analyses we ran suggest that selection bias is unlikely to explain our findings (appendix). After correction for selection bias, the OR for daily cannabis use (5.7, 95% CI 3.5–9.4) was similar to the original OR (5.7, 4.4–7.5). However, the CI for the corrected OR was wider than that for the original OR, suggesting a wider range of possible values for the true OR with 95% certainty. The results of the probabilistic sensitivity analysis to estimate the potential effects of

selection bias on high potency cannabis use were similar (appendix).

The EU-GEI incidence study reported an eight-times variation in the incidence rates of psychotic disorder adjusted for age, gender, and ethnic minority status across the study sites.¹² We found a correlation between the adjusted incidence rates for psychotic disorder in our 11 sites and the prevalence of daily cannabis use in controls ($r=0.8$; $p=0.0109$). Sites where daily use was common such as London (26 [11.7%] of 223 controls) and Amsterdam (13 [13.0%] of 100 controls) had among the highest adjusted incidence rates (45.7 cases per 100 000 person-years in London and 37.9 per 100 000 person-years in Amsterdam). This differed from sites such as Bologna where daily use was less frequent (three [4.6%] of 65 controls) and the adjusted incidence rate was half that of London (21.0 cases per 100 000 per person years; figure 3).

Similarly, we found a correlation between adjusted incidence rates for psychotic disorder and the prevalence of use of high-potency cannabis in controls across the 11 sites ($r=0.7$; $p=0.0286$). Amsterdam (54 [54.0%] of 100 controls), London (58 [26.0%] of 223 controls), and Paris (21 [21.0%] of 100 controls) had the highest prevalence of use of high-potency cannabis in controls and the highest adjusted incidence rates for all psychosis (45.7 per 100 000 person-years in London, 37.9 in Amsterdam, and 46.1 in Paris; figure 3). The prevalence of daily use and the prevalence of use of high-potency cannabis in controls were only modestly correlated ($r=0.2$; $p=0.0413$), therefore we report data for both (figure 3).

Discussion

Our main findings show that among the measures of cannabis use tested, the strongest independent predictors of whether any given individual would have a psychotic disorder or not were daily use of cannabis and use of high-potency cannabis. The odds of psychotic disorder among daily cannabis users were 3.2 times higher than for never users, whereas the odds among users of high-potency cannabis were 1.6 times higher than for never users. Starting to use cannabis by 15 years of age modestly increased the odds for psychotic disorder but not independently of frequency of use or of the potency of the cannabis used. These measures of extent of exposure did not interact with each other, nor did they interact with the sites. This lack of interaction between degree of cannabis use (ie, daily use of cannabis or use of high-potency cannabis) and site might reflect insufficient power in our study; however, it could also indicate that although the magnitude of the effect might vary depending on the degree of cannabis use, there is a consistent effect of daily use and use of high-potency cannabis on the ORs for psychotic disorders across all study sites.

We replicated our previous finding²⁸ that daily use of high-potency cannabis is most strongly associated with

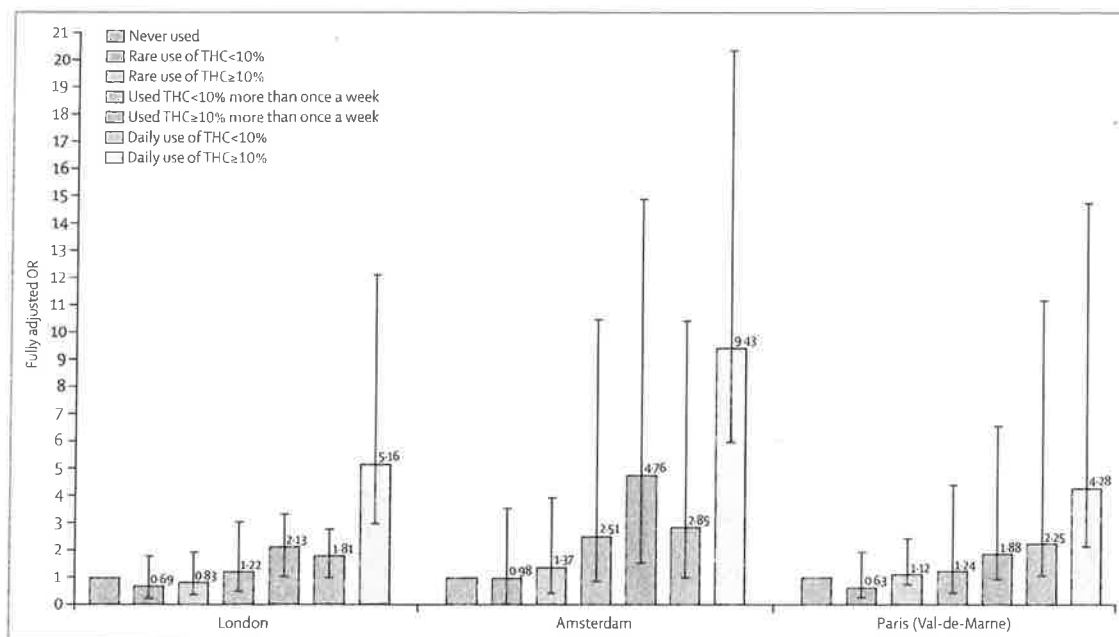


Figure 2: Fully adjusted ORs of psychotic disorders for the combined measure of frequency plus type of cannabis use in three sites. Data are shown for the three sites with the greatest consumption of cannabis: London (201 cases, 230 controls), Amsterdam (96 cases, 101 controls), and Paris (54 cases, 100 controls). Error bars represent 95% CIs. OR=odds ratio.

case-control status. Compared with never users, participants who used high-potency cannabis daily had four-times higher odds of psychosis in the whole sample, with a five-times increase in London and a nine-times increase in Amsterdam. We also saw that, in the whole sample, daily use of high-potency cannabis was associated with a doubling in the OR for psychotic disorder. The large sample size and the different types of cannabis available across Europe have allowed us to report that the dose-response relationship characterising the association between cannabis use and psychosis⁷ reflects not only the use of high-potency cannabis but also the daily use of types with an amount of THC consistent with more traditional varieties.

Use of high-potency cannabis was a strong predictor of psychotic disorder in Amsterdam, London, and Paris where high-potency cannabis was widely available, by contrast with sites such as Palermo where this type was not yet available. In the Netherlands, the THC content reaches up to 67% in Nederhasj and 22% in Nederwiet; in London, skunk-like cannabis (average THC of 14%) represents 94% of the street market²⁹ whereas in countries like Italy, France, and Spain, herbal types of cannabis with THC content of less than 10% were still commonly used.^{17,18}

Thus our findings are consistent with previous epidemiological and experimental evidence suggesting that the use of cannabis with a high concentration of THC has more harmful effects on mental health than does use of weaker forms.^{28,30,31}

The novelty of this study is its multicentre structure and the availability of incidence rates for psychotic disorder for all the sites. This has allowed us, for the first time, to show how the association between cannabis use and risk of psychosis varies geographically depending on prevailing patterns of use, and how the latter contributes to variation in incidence rates for psychotic disorder.

Variations in patterns of cannabis use across the sites translated into differences in the proportion of new cases of psychotic disorder attributable to cannabis use. We estimated, assuming causality, that 20% of new cases of psychotic disorder across all our sites could have been prevented if daily use of cannabis had been abolished; the PAF for daily use was 21% for London, similar to that previously reported,³ but ranged from 44% in Amsterdam to 6% in Palermo. The local availability of high-potency types of cannabis resulted in a PAF of 50% for Amsterdam and 30% for London. Therefore, assuming causality, if high-potency cannabis were no longer accessible, the adjusted incidence rates for all psychotic disorder in Amsterdam would drop from 37.9 to 18.8 cases per 100 000 person-years and in London from 45.7 to 31.9 cases per 100 000 person-years.

Finally, we report what, to our knowledge, is the first evidence that differences in the prevalence of daily use and use of high-potency cannabis in the controls correlate with the variation in the adjusted incidence rates for psychotic disorder across the study sites. Our results show that in areas where daily use and use of high-potency cannabis are more prevalent in the general

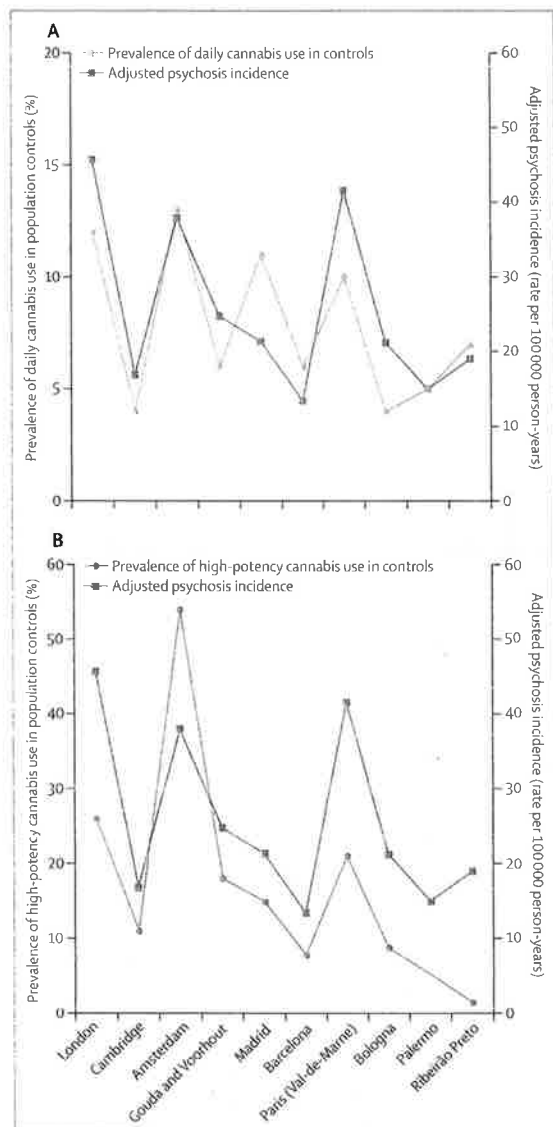


Figure 3: Adjusted incidence rates for all psychosis for the 11 sites plotted against the prevalence of daily use in the population controls (A) and prevalence of use of high-potency cannabis in the population controls (B) Incidence rates are adjusted for age, gender, and ethnicity. Puy-de-Dôme is not included because data on ethnicity were missing for 27 (66%) of 42 incidence cases, therefore the adjusted incidence rate for this site was not calculated.

population, there is an excess of cases of psychotic disorder.

Our findings need to be appraised in the context of limitations. Data on cannabis use are not validated by biological measures, such as urine, blood, or hair samples. However, such measures do not allow testing for use over previous years.²⁶ Moreover, studies with laboratory data and self-reported information have shown that cannabis users reliably report frequency of use and the type of cannabis used.^{32,33}

Our potency variable does not include the proportion of another important cannabinoid, cannabidiol (CBD),³⁴ because reliable data on this were available for only England and Holland.^{17,19,24,25,34} We categorised the reported types of cannabis used as low and high potency on the basis of the available estimates of mean percentage of THC from official sources. Although this approach does not account for variations in the THC content in individual samples, we used a conservative cutoff of 10%. Given the much higher mean percentage of THC expected in types of cannabis commonly used in UK^{24,29} and in Holland,¹⁹ our dichotomous categorisation might have led to underestimation of the effect of potency on the ORs for psychotic disorder. Furthermore, a direct measure of the THC content of the cannabis samples used by our participants would have only provided data on THC value for a single timepoint rather than an estimate covering lifetime use.

When setting quotas based on the main sociodemographics of the populations at risk for the recruitment of controls, we applied weights to account for under-sampling or oversampling of some groups. For instance, most of the sites oversampled the age group 16–24 years (appendix), which represents the part of the population most likely to consume cannabis¹⁷ and the most likely to suffer associated harm.^{6,16,35}

Moreover, none of the sites mentioned either cannabis, or other, drug use in the materials used for participant recruitment, thus avoiding selection and recall bias. First episode studies minimise the effect of recall bias, which can be a source of error when history of exposure to environmental factors is collected retrospectively in patients with well established psychosis. This study design also reduces the chances of results being biased by illness course; therefore, it is preferred to investigate aetiology.³⁶

In conclusion, our findings confirm previous evidence of the harmful effect on mental health of daily use of cannabis, especially of high-potency types. Importantly, they indicate for the first time how cannabis use affects the incidence of psychotic disorder. Therefore, it is of public health importance to acknowledge alongside the potential medicinal properties of some cannabis constituents the potential adverse effects that are associated with daily cannabis use, especially of high-potency varieties.

Contributors

CG-A, GT, CLC, DLB, LF, EV, IT, HEJ, CMD-B, LdH, JvO, BPFR, CM, MB, CMDB, J-PS, JBK, AT, AS, CA, PRM, MDF, and all the authors in the EU-GEI group collected or supervised the data collection. MDF, DQ, GT, IT, HEJ, CLC, and LF cleaned and prepared the data for this paper analysis. MDF did the data analysis and wrote the findings in the initial manuscript. TPF, HEJ, DQ, and GT contributed to creation of the figures and tables. CM, CML, RMM, PCS, JvO, BPFR, LdH, J-PS, DB, IT, ML, TPF, JBK, CA, and PBj provided a careful statistical and methodological revision of the manuscript and contributed to the final draft. RMM, ML, and CM contributed to the interpretation of the results. All authors had full access to all data (including statistical reports and tables) in the study and take responsibility for the integrity of the data and the accuracy of the data analysis.

Declaration of interests

RMM reports personal fees from Janssen, Lundbeck, Sunovion, and Otsuka, outside of the submitted work. MDF reports personal fees from Janssen, outside of the submitted work. MB reports grants and personal fees from Adamed, Janssen-Cilag, Otsuka, and AbbVie; personal fees from Angelini and Casen Recordati; and grants from Lundbeck and Takeda, outside of the submitted work. PBJ reports personal fees from being a member of the scientific advisory boards for Janssen and Recordati, outside of the submitted work. CA reports personal fees from Acadia, Ambrossetti, Gedeone Richter, Janssen Cilag, Lundbeck, Merck, Otsuka, Roche, Servier, Shire, Schering Plough, Sumitomo Dainippon Pharma, Sunovion, and Takeda; and grants from CIBERSAM, Familia Alonso, Fundación Alicia Koplowitz, the European Commission, the Spanish Ministry of Science and Universities, and the Comunidad de Madrid, during the conduct of the study. All other authors declare no competing interests.

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Cannabis and psychosis: triangulating the evidence



Disentangling causality where complex and confounded behaviours might be impacting on even more complex mental health outcomes is notoriously challenging, and requires tackling the question in a number of different ways to triangulate the evidence. Although observational epidemiology and experimental studies are broadly consistent in indicating a link between heavy cannabis use and risk of psychosis,¹ an often-mentioned anomaly when considering the association is that while cannabis use has increased in some populations, the corresponding level of psychosis incidence has not. Marta Di Forti and colleagues² explored this paradox in more detail, examining detailed measures of cannabis use from 901 patients with first-episode psychosis and 1237 controls across 11 sites in Europe. Additionally, they used cannabis data from their control sample to assess the link between patterns of cannabis use in the region and data for psychosis incidence in that location taken from the EU-GEI project. Their results suggest that some of the variation in frequency of use and type of cannabis used might be implicated in differing rates of psychosis across the different locations, going against the previously held notion.

In recent years, attention has turned to the impact of various cannabinoids on risk of poor mental health. In particular, there is some suggestion from short-term experimental intoxication studies that ratios of Δ^9 -tetrahydrocannabinol (THC) to cannabidiol (CBD) could have an impact on risk of psychotic-like experiences,³ with some emerging evidence even suggesting that CBD might be anti-psychotic.⁴ Although they were unable to directly measure cannabis potency, Di Forti and colleagues created a cannabis potency variable by using self-reported type of cannabis used combined with Europe-wide data published by the European Monitoring Centre for Drugs and Drug Addiction on the concentration of THC in cannabis found in the countries under investigation. While this approach is subject to some uncertainty, as levels of THC are not necessarily consistent within a country or even a region,⁵ and sample sizes were small, it is a novel and inventive way to account for levels of THC, and one which is likely to be more accurate than only asking participants to self-report the strength of their cannabis. Unfortunately, data for CBD were not available in most

countries so could not be accounted for in this potency variable.

All study patients were diagnosed using the same ICD-10 criteria, meaning diagnoses were harmonised and therefore directly comparable across sites. The sample size was large, although when split across the 11 sites it was reduced (15–201 cases per site), meaning associations within individual sites might be underpowered. The associations seen between cannabis and psychosis were largely driven by daily cannabis users, and particularly those daily users consuming high potency cannabis. In non-daily users, effect sizes did not differ between the cannabis potency groups, and there was no evidence of an association between less-than-weekly cannabis use and psychosis, regardless of potency.

As well as this individual level case-control study, Di Forti and colleagues also examined the relationship between incidence rates for psychotic disorder across 11 of the different study sites, and cannabis use patterns in the control group sampled for their case-control study. They found that for almost every site assessed in the study, prevalence of daily cannabis use in the controls, or prevalence of high potency cannabis use, was correlated with incidence rates for psychosis in the location in question, although cannabis use sample sizes were very small (37–302 controls per site).

Does this mean we can now be sure that (daily and high potency) cannabis use causes psychosis? Unfortunately, not all the evidence utilising different methods is consistent about causality. For example, studies using genetic data have found evidence possibly consistent with shared genetic aetiology between risk of psychosis and likelihood to use cannabis.⁶ Di Forti and colleagues' study asks participants about their cannabis use prior to their first episode psychosis diagnosis, but it is possible that subclinical symptoms might have existed prior to cannabis initiation, meaning that associations in the opposite direction cannot be ruled out.

It is perfectly possible that the association between cannabis and psychosis is bidirectional, as suggested by other work using genetic variables as proxies for the exposures of interest in a Mendelian randomisation design.^{7,8} Di Forti and colleagues' study adds a new and novel study design to the evidence available, which



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consistently indicates that for some individuals there is an increased risk of psychosis resulting from daily use of high potency cannabis. Given the changing legal status of cannabis across the world, and the associated potential for an increase in use, the next priority is to identify which individuals are at risk from daily potent cannabis use, and to develop educational strategies and interventions to mitigate this.

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I declare no competing interests.

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Supplementary appendix

This appendix formed part of the original submission and has been peer reviewed. We post it as supplied by the authors.

Supplement to: Di Forti M, Quattrone D, Freeman TP, et al, and the EU-GEI WP2 Group. The contribution of cannabis use to variation in the incidence of psychotic disorder across Europe (EU-GEI): a multicentre case-control study. *Lancet Psychiatry* 2019; published online March 19. [http://dx.doi.org/10.1016/S2215-0366\(19\)30048-3](http://dx.doi.org/10.1016/S2215-0366(19)30048-3).

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s-Figure 1. FEPP recruitment flow chart

This supplementary material has been provided by the authors to give readers additional information about their work.

Methods

Recruitment:

Cases: We followed procedures previously used to generate representative samples of first episode psychosis patients (FEPp) (1). We identified all individuals aged 18 to 64 years, who contacted mental health services for a suspected first episode of psychosis (FEP), over periods up to four years in 17 catchment areas in England (Southeast London, Cambridgeshire & Peterborough); France (20th arrondissement of Paris, Val-de-Marne, Puy-de-Dôme); the Netherlands (Central Amsterdam, Gouda & Voorhout); Italy (part of the Veneto region, Bologna, and Palermo); Spain (Madrid-Vallecas, Barcelona, Valencia, Oviedo, Santiago, Cuenca), and; Brazil (Ribeirão Preto, Sao Paulo) (full details of the incidence sample recruitment and general description of the incidence study methods are available from the recently published paper by Jongsma et al 2008 (2)).

Case ascertainment involved trained researchers making regular contact with all secondary and tertiary mental healthcare providers to identify potential cases and searching electronic clinical records, where available. In this process, all cases with psychosis within services were considered. In all countries, it was uncommon for people to be treated for FEP in primary care; instead people with suspected psychosis would typically be referred to specialist mental health services. Research teams were overseen by a psychiatrist with experience in epidemiological research, and included trained research nurses and clinical psychologists. Teams received training in epidemiological principles and incidence study design to minimize non-differential ascertainment bias across different local and national healthcare systems (see training package on the study website:

<https://www.kcl.ac.uk/ioppn/depts/hspr/research/social-epidemiology-research-group/current-projects.aspx>).

As explained in the main text, between May 1, 2010, and April, 1 2015, we approached 1519 patients with first-episode psychosis. Of these 356 (1%) refused to participate, 19 (23%) could not consent because of language barriers and 14 (0.9%) were later excluded (London N=3; Madrid N=2; Bologna N=1; Ribeirão Preto N=8) as they did not meet the age inclusion criteria. For all patients who were not part of the study, local research ethics committees approved the extraction of demographics and clinical information from patient records. Patients who refused to participate were older [FEP_{consented} mean age=30.8 (10.5), median=29.0 (22.0 to 37.0); FEP_{refused} mean age=32.8 (11.5), median=31.0 (25.0 to 42.0); $p=0.0015$], more likely to be women [FEP_{consented} male=558 (61.9%); FEP_{refused} male=311 (54.7%), $\chi^2(1)=7.6$; $p=0.0063$] and of White European origin [$\chi^2(5)=38$, $p<0.0001$] (s-Table2 for details by site). 1130 First Episode Psychosis Patients (FEPp) across the study sites consented to take part in the case-control study (s-Table 1). The FEPp recruited in the case-control study are broadly representative for gender and ethnicity of the rest of the incidence sample. However, in London, Amsterdam and Ribeirao Preto cases aged 18–24 were over-represented in the case-control sample and those aged 45–54 and 55 or over were under-represented compared with the incidence sample (s-Table 2)

Supplementary **Table 1**: Number of participants of the case-control study recruited by each site who met the inclusion criteria.

Catchment area		
	Controls	Cases
England		
Southeast London	230	201
Cambridgeshire	108	45
The Netherlands		
Amsterdam	101	96
Gouda & Voorhout	109	100
Spain		
Madrid	38	39
Barcelona	37	31
Valencia*	32	49
Oviedo*	39	39
Santiago*	38	28
Cuenca*	38	18
France		
Paris (Maison-Blanche)*	0	36
Paris	100	54
Puy-de-Dome	47	15
Italy		
Bologna	65	70
Verona*	115	59
Palermo	100	58
Brazil		
Ribeirão Preto	302	192
Total	1,499	1,130

*Sites excluded for the case-control analysis because of missing data $\geq 10\%$. Mason-Blanche was excluded from the case-control analysis, as they did not recruit any controls.

Supplementary **Table 2** χ^2 and p-values for comparisons between those cases who participated in the case-control arm of the study and those who did not. The table shows how the case-control study cases are representative of the rest of the incidence sample by site. (Age range groups included the following categories: 18–24; 25–34; 35–44; 45–54; 55–64) (modified from 3)

	Age				Gender				Minority status			
	Mean, sd; (Median) case-control sample	Mean; (Median) rest of the incidence sample	χ^2 (based on age groups)	p-value	Male %; N case-control sample	Male %; N rest of the incidence sample	χ^2	p-value	%; N minority Case control	%; N minority Rest of the incidence sample	χ^2	p-value
England												
Southeast London	29.6, 9.4 (27)	34.6, 11.2 (33)	31.4	<0.0001	63.2 (127)	51.4 (112)	5.9	0.0151	70.6 (142)	77.1 (168)	2.2	0.13
Cambridgeshire	28.1, 7.9 (26)	32.5, 12.3 (29)	6.8	0.15	55.6 (25)	57.0 (126)	0.0	0.86	35.6 (16)	41.8 (87)	0.6	0.44
The Netherlands												
Amsterdam	27.6, 8.1 (25)	38.2, 12.5 (36)	50.5	<0.001	74.0 (71)	59.9 (118)	5.6	0.18	70.8 (68)	73.6 (134)	0.2	0.62
Gouda & Voorhout	31.7, 11.1 (29)	32.5, 12.0 (30)	1	0.9	65.0 (65)	54.6 (36)	1.8	0.18	17 (17)	35.4 (23)	7.2	0.0273
Spain												
Madrid	33.1, 11.1 (33)	33.9, 9.6 (30)	2.5	0.64	69.2 (27)	63.3 (31)	0.3	0.56	10.3 (4)	12.5 (2)	0.1	0.8
Barcelona	29.4, 11.3 (30)	30.7, 13.4 (28)	2.5	0.63	74.2 (23)	50.7 (39)	5	0.0253	20 (6)	22.4 (15)	0.1	0.79
Valencia	31.5, 11.4 (27)	35.6, 10.3 (35.5)	3.3	0.51	61.2 (30)	20.0 (2)	5.7	0.0170	16.3 (8)	22.2 (2)	0.2	0.67
Oviedo	34.7, 10.8 (35)	36.0, 9.7 (33)	3.4	0.49	51.3 (20)	46.5 (20)	0.2	0.67	20.5 (8)	12.5 (4)	0.8	0.37
Santiago	32.1, 11.2 (31)	42.9, 10.4 (44)	8.7	0.07	64.3 (18)	37.5 (3)	1.8	0.17	0 (0)	0 (0)	n/a	n/a
Cuenca	29.2, 9.5 (27)	28.3, 11.2 (25)	0.7	0.88	77.8 (14)	77.8 (7)	0.0	1.00	16.7 (3)	33.3% (3)	1	0.33
France												
Paris (Maison Blanche)	31.4, 10.2 (30)	34.1, 12.1 (31)	2.9	0.56	66.7 (24)	70.2 (59)	0.1	0.69	58.3 (21)	44.0 (65)	9.9	0.0101
Paris	31.3, 10.1 (27)	33.6, 11.2 (30)	4.6	0.33	61.1 (33)	48.1 (75)	2.7	0.1	22.2 (12)	67.9 (70)	22.6	0.0004
Puy-de-Dome	37.3, 13.4 (32)	33.7, 12.7 (34)	8.8	0.07	60.1 (9)	70.4 (19)	0.5	0.49	20.0 (3)	n/a	n/a	n/a
Italy												
Bologna	32.5, 9.9 (33)	33.3, 10.5 (30)	7.2	0.13	50.0 (35)	53.7 (51)	0.2	0.64	28.6 (20)	29.5 (28)	0.0	0.9
Veneto	36.5, 10.1 (37)	36.6, 12.3 (36.5)	6.9	0.14	55.9 (33)	52.0 (26)	0.2	0.68	16.7 (9)	20 (10)	0.2	0.66
Palermo	30.1, 8.9 (28)	34.5, 10.2 (31)	12.7	0.01	58.6 (34)	54.6 (66)	0.3	0.6	6.9 (4)	14.1 (17)	1.9	0.16
Brazil												
Ribeirão Preto	32.3, 11.2 (30)	35.9, 10.6 (35)	24.1	<0.0001	56.8 (109)	49.1 (161)	2.9	0.09	49.5 (95)	33.7 (90)	11.5	0.0031

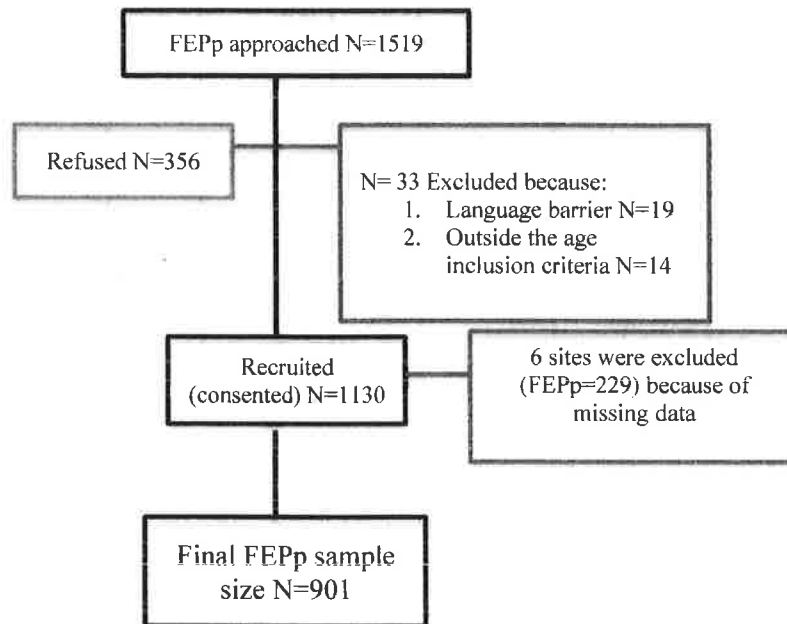
Controls: All sites contributed to the recruitment of 1499 population controls except for Maison Blanche, which consequently was excluded from the case-control analysis (s-Table 1). Controls were recruited using a mix of random and quota sampling that aimed to obtain samples representative for age, gender and ethnicity of each site population at risk. Nevertheless, controls aged 18–34 were over-sampled and those aged 35 and over were under-sampled ($\chi^2=212.4$, $p<0.0001$, s-Table 3). Differences by gender and ethnicity are also reported in s-Table 3. As reported in the main methods section we used inverse probability weights to account for any over and under sampling of controls relative to the populations at risk; we gave each control's data a weight inversely proportional to their probability of selection, on key demographics (age, gender, ethnicity, using census data on relevant populations). The weights were applied in all analyses.

Supplementary **Table 3:** Representativeness of the control sample compared with the population-at-risk (*This does not include Paris- Maison Blanche where no controls were recruited*)(2)

	Population at-risk		Controls			
	<i>n</i>	Percentage	<i>N</i>	Percentage	χ^2	p-value
Age						
18-24	1,828,075	14.1	323	21.7	212.4	<0.0001
25-34	3,057,640	23.6	511	34.3		
35-44	3,058,837	23.7	323	15.6		
45-54	2,856,614	21.9	253	17.0		
55-64	2,152,499	16.6	172	11.5		
Gender						
Male	6,337,783	49.5	672	46.0	7.1	0.0077
Female	6,464,653	50.5	788	54.0		
Minority status						
Majority	9,881,660	77.2	1,072	72.1	21.7	<0.0001
Minority	2,917,823	22.8	414	27.9		

Final FEPP and Controls sample size: The controls (N=262) and the cases (N=229) from 6 sites, as reported in s-**Table 1** had *missing data* $\geq 10\%$ on the main measures of cannabis use and/or on one or more of the main confounding variables, and they were excluded from the analysis resulting in a final number of controls N=1237 and in a final number of cases N=901 (see flow chart below, main text Figure 1).

FEPP recruitment flow chart:



Incidence rates:

The full description of how the Incidence rates for all Psychosis used in the analysis were calculated, can be found in the already published paper by Jongsma et al, 2018 (2). In summary, where case ascertainment is complete and denominator data on the population at risk is available, it is possible to derive estimates of incidence, on the assumption that the population is in a 'steady state' (i.e., the size of the population remains steady over time, even while some individuals leave and some arrive) (2–4). We identified all cases with psychosis in each catchment area and, to determine the denominator, we used country census data for each catchment area (ie, to determine population at risk in each catchment area). With this information, we were able to estimate incidence rates. Puy-de-Dôme (France), data on minority status was missing from the incidence cases for 66% (n=27); therefore, the adjusted IR for this site were not calculated (2), and thus not included in the analysis presented in the graph.

Measures:

The Cannabis Experienced Questionnaire firstly described by Barkus et al 2006 (5), was later modified (CEQmv) (6) to expand 1) questions on the pattern of use including the assessment of the type of cannabis, 2) the section on other drug use and 3) to reduce the section on the experiences following a factor analysis (6). For the EUGEI study we further modified it (CEQ_{EUGEI}) to 1) include questions to assess dependence for cannabis use and other drugs, and 2) to describe use and changes in cannabis use over 3 age periods: 0–11 years old; 12–17 years old and 18 and older.

The Cannabis Experience Questionnaire (CEQ)'s questions we selected to construct our measures of cannabis exposure aimed to ascertain the pattern of use that described the “most” each participant used over the period they used; thus these were mostly questions covering life-time use rather than current use. : 1) lifetime cannabis use: have you ever used cannabis yes/no; 2) current use: are you currently using cannabis?; 3) age at first use of cannabis in years that in accordance with the existing literature (7) is dichotomized as in s-**Table 4**; 4) frequency of use: “describe how often from the following options”: a) I used it only once or twice; b) about once a year; c) few times a year; d) about one/twice a month; e) about once a week; f) more than once a week; g) every day.

5) What type of cannabis did you mostly use? (name given in native language; see next paragraph for more details.

6) How much money did you spent per week ? Choose from: a) less than 2·50 EURO; b) 2·50 to 5·00 EURO; c) 6·00 to 10·00 EURO; d) 11·00 to 15·00 EURO; e) 16·00 to 20·00 EURO; f) above 20·00 EURO. (s-**Table 4**).

Adjusted logistic regressions for age gender and ethnicity were run using the above raw variables as predictors of case-control status. Then for each variable we grouped the listed categories according to the effect size (OR) for case-control status. For instance, the adjusted logistic regression indicated that when using the above raw frequency variables, only the categories “more than once a week” (OR=2·2; 95% CI 1·6 to 2·9) and “everyday” (OR=6·2; 95% CI 4·8 to 8·0) gave ORs significantly greater than 1 for Psychotic Disorders; therefore the categories of frequency variable used in the paper analysis were grouped as follows: a) used never or occasionally (less than once a week); b) used more than once a week (but less than daily); c) used daily .

Supplementary Table 4 : Measures of cannabis use included in the analyses

Lifetime cannabis use	0=never used	1=Yes	
Currently using cannabis	0=no use at the time of recruitment in the study and over the previous 4 weeks	1=Yes	
Age at 1st use of cannabis	0=never used	1= started at age 16years or older	2=started at age 15 years or younger
Lifetime frequency of use	0=used never or occasionally (less than once a week)	1=used more than once a week (but less than daily)	2=used daily
Money spent weekly on cannabis	0=never used or spent 20 EURO or less per week	1= spent more than 20 EURO per week	
Type of cannabis used	0= never used	1= used types with THC<10%	2=used types with THC=>10%

The cannabis potency variable:

The potency variable was created using a cut off of THC=10% based on the mean THC concentration expected in the different types of cannabis available across the side sites, as reported in the EMCDDA and by the National data on cannabis potency quoted (8). Participants were asked to name in their own language the name of the type of cannabis they mostly used during their period of use.

The low-potency cannabis category (THC<10%) included hash/resin from UK and Italy, imported herbal cannabis from UK, Italy, Spain and France, Brazilian marijuana and hash and the Dutch Geimporteurde Wiet. The high-potency category (THC=>10%) included all the other types reported by the study participants in their original language street names such as: UK home-grown skunk/sensimilla UK Super Skunk, Italian home-grown skunk/sensimilla , Italian Super Skunk, the Dutch Nederwiet, Nederhasj and geimporteurde hasj, the Spanish and French Hashish (from Morocco),

Spanish home-grown sensimilla, French home-grown skunk/sensimilla/super-skunk and Brazilian skunk (9–16).

Statistical analysis:

Selection bias:

We ran a probabilistic sensitivity analysis to estimate the potential impact of selection bias, using the *episensi* commands in Stata. This involves: 1) selecting a random sample (one set of bias parameters) from the specified probability density functions of the bias parameters [e.g. Selection bias factor: Log-Normal (0.00, 0.21)], and 2) calculating a bias-corrected OR from the selected parameters. Both steps are repeated many times (we ran repetitions=20000) to obtain a distribution of bias-corrected ORs (ref 27 main text).

Table 5a reports the original OR (conventional estimate) and the corrected one (systematic and random error estimate) in the 50-percentile column, within the corresponding 95% CI values. The selection-bias corrected OR (OR=5.7, 95% CI 3.5 to 9.4) for daily cannabis use compared to the original OR (OR=5.7, 95% CI 4.4 to 7.5) (s-Table 5a) was barely changed. However, the confidence limits were wider, suggesting a wider range of possible values for the true OR with 95% certainty. We found a similar pattern of results for the probabilistic sensitivity analysis to estimate the potential effects of selection bias of data on high potency cannabis use as shown in table (s-Table 5b). Both set of analyses suggest that selection bias is unlikely to explain our findings.

Supplementary Table 5 a: Probabilistic sensitivity analysis for selection bias of data on *daily cannabis use* assuming lognormal distribution with mean 0 and standard deviation 0.21 [Selection bias factor: Log-Normal (0.00, 0.21)], number of repetitions=20000 and seeds=123.

	Percentiles			Ratio
	2.5	50	97.5	97.5/2.5
Conventional	4.4	5.7	7.5	1.7
Systematic error	3.8	5.7	8.6	2.3
Systematic and random error	3.5	5.7	9.4	2.7

Supplementary Table 5 b: Probabilistic sensitivity analysis for selection bias of data on use of *high potency cannabis* assuming lognormal distribution with mean 0 and standard deviation 0.21 [Selection bias factor: Log-Normal (0.00, 0.21)], number of repetitions=20000 and seeds=123.

	Percentiles			Ratio
	2.5	50	97.5	97.5/2.5
Conventional	1.9	2.3	2.8	1.5
Systematic error	1.5	2.3	3.5	2.3
Systematic and random error	1.5	2.3	3.7	2.5

Confounder selection: we tested for an association between the available a) socio-demographic data and b) data on drug use, with case-control status in the whole sample. All the socio-demographic variables available and in line with the existing literature¹ were associated with case-control status.

Only the variables on drug use associated with case-control status are reported in **Table 2** (eg, data on Alcohol use are not in the table).

To estimate the possible confounding effect of tobacco smoking in our analysis, we used the data on number of cigarettes smoked over the past 12 months. As for the method used to group the raw measures of cannabis exposure, we applied a logistic regression adjusted for age, gender and ethnicity, testing for an association between the raw variable on number of cigarettes smoked per day over the previous 12 months (0=never smoked; 1=smoked less than cigarettes per day; 2= smoked 10 or more cigarettes) and case-control status. Smoking less than 10 cigarettes per day was not associated with an increase in the ORs for psychotic disorder (OR=0.9; 95% CI 0.9 to 2.8) compared to never smoked, contrary to smoking 10 cigarettes or more (OR= 2.5 95% CI 1.7 to 4.2). Therefore, the variable on tobacco use entered in the main analysis model is the one described in **Table 2**.

To test if alcohol use was associated with case-control status we used the following data-collected: 1) life-time alcohol use (yes/no); 2) “did you drink at least 12 or more alcoholic beverages in the past 12 months? (yes/no); 3) How many drinks did you drink every day on an average week?

In the whole sample analysis (FEPp=901; Controls=1237), none of these measures of alcohol consumption were associated with being a case (FEPp). On the contrary, 75% (N=927) of controls compared to 63% (N= 567) of FEPp reported having drunk an alcoholic beverage at least once in their life-time ($\chi^2=27.9$; $p=0.001$). Moreover, 61% (N= 754) of controls compared to 40% (N= 360) of cases reported having drunk 12 or more alcoholic beverages in the past 12 months. Also, we found no difference between cases and controls in the mean number of alcoholic drinks every day on an average week [Controls: mean=5.2 (0.4), median=2.0 (0.0 to 6.0); FEPs: mean=4.8 (0.4), median=1.0 (0.0 to 4.0); $t=0.8$; $df=2136$; $p=0.45$].

Moreover, adding, the above measures of alcohol consumption to the multivariable logistic regression did not confound the tested association between cannabis use and psychotic disorder.

Supplementary methods reference:

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November 30, 2018
Corte Madera Town Councilmembers
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Re: Local cannabis ordinance

Dear Councilmembers:

We are writing to share some information for your consideration as you develop your local cannabis ordinance, and to provide you with the ordinance adopted by the Marin County Board of Supervisors which we at The Coalition Connection believe can serve as a model for a cannabis ordinance in Corte Madera and other jurisdictions in Marin County. As you make decisions for Corte Madera around this complex and important topic we want to aid you with information. It is difficult to sift through all that is out there. We hope this will be helpful to you. Cannabis use is first and foremost a public health issue. The County of Marin recognizes that there is evidence of some medicinal benefits of cannabis use for certain people with specific conditions, including treatment of chronic pain, and treatment for nausea and vomiting caused by chemotherapy.

However, research has shown that cannabis use poses a serious public health risk for the general population, and particularly for youth. Studies have shown that long-term use of cannabis can lead to dependence and addiction, particularly for those who start using cannabis in early adolescence. Cannabis use has also been shown to impact the developing brain which does not reach full maturity until about age 25. Adolescents who use cannabis at low and infrequent levels can suffer from delayed memory recall and problems with perceptual reasoning (i.e., the ability to think and reason using visual information). Adolescents can also suffer lasting effects of impaired working memory and reduced inhibitory control (i.e., the inability to control impulses and restrain responses to stimulus). Conclusive evidence has shown that adolescents who use cannabis on a long-term basis are at higher risk of developing psychosis or schizophrenia. Long-term use can result in chronic respiratory problems in youth and adults. Children who are exposed to secondhand cannabis smoke are at risk of respiratory effects from such exposure. It is important to note that nearly all studies conducted to date have not assessed the risks of using newly available high-potency cannabis products marketed for recreational use, namely cannabis oils and crystalline concentrates for dabbing with up to 99% THC content.

Studies have shown that when affluent, upper-middle-class, and minority youth perceive cannabis and other drug use to be normative and easily accessible, they are at greater risk of developing dependence.

The cannabis industry in California and nationally is highly capitalized and expanding rapidly. Aggressive market forces see Marin County, due to the long history of marijuana use, as a prime target market.

The post-legalization experience in Washington State raises red flags. Washington State

legalized recreational use in 2012 with stores opening mid 2014. The first post-legalization Washington State Health Youth Survey conducted in 2016 showed that about one in five 8th graders, one in three 10th graders, and almost half (45%) of 12th graders perceived no/slight risk to regular use. Half (51%) of 12th graders who reported using marijuana in the past 30 days reported driving within three hours of using marijuana at least once in the past 30 days.

Prior to legalization, many Malpais District students already perceived cannabis use to be harmless: 57% of 9th graders and 72% of 11th graders perceived there to be slight to no harm from smoking marijuana occasionally. Legalization will likely increase these perceptions of harmlessness, and experience shows that increased availability will likely lead to increased use among teens.

For these reasons, the Marin County Department of Health and Human Services advised the Board of Supervisors to act out of an abundance of caution. After extensive consideration, on November 14, 2017, the Board unanimously approved a cannabis ordinance limiting commercial activity to delivery-only medicinal cannabis businesses in unincorporated Marin County. The Medicinal Cannabis Delivery-Only Retailer (MCDORe) licensing ordinance establishes a regulatory framework and local delivery options for patients to safely access medicinal cannabis. The ordinance requires a retailer to be closed to the public and dispense medicinal cannabis exclusively by delivery. Retailers must be located at least 600 feet from schools, day-care centers, youth centers and playgrounds.

Prevention throughout Marin County is important. We believe that the County ordinance serves as a model for all other jurisdictions in Marin County so that the people of Marin, particularly our children, teens and young adults, will be protected by a uniform standard. Jurisdictions that adopt less restrictive ordinances will not only increase accessibility to cannabis for their own residents, but also increase access for those living in neighboring jurisdictions. We encourage you to adopt the standard of the MCDORe ordinance. The language of the County MCDORe can be found at:

<https://www.marincounty.org/-/media/files/maringov/main/medicalcannabis/bos-111417/mcdoreord3678mcc590.pdf?la=en>

Please feel free to contact The Coalition Connection should you wish to ask any questions or require assistance.

Sincerely,
The Coalition Connection
Data and Evaluation Team
Linda Henn
Kelsey Fernandez
Jeremiah Mock
Holley Shafer



October 11, 2018

Corte Madera Town Council Members
Senior Planner Phil Boyle
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Re: Town of Corte Madera Cannabis Ordinance

As public health research members of the Coalition Connection, we are writing to express our appreciation for the Town Council's efforts to develop a cannabis ordinance that is appropriate for the community of Corte Madera. To assist in this process, we would like to share some information about cannabis in our communities. We also wish to offer our assistance to ensure that all community members in Corte Madera will be well informed, have adequate opportunities to express their viewpoints and concerns, and be heard throughout the cannabis ordinance decision-making process.

The Coalition Connection, funded partially through a federal Drug-Free Communities grant and by the County of Marin Department of Health and Human Services, is a group of local community members including parents, teachers, high school students, school administrators, law enforcement officers, local elected officials, business people, physicians, and public health researchers. We are working to build healthy addiction-free communities in Corte Madera, Larkspur, San Anselmo and Fairfax. We disseminate science-based information and advocate for the formulation of health promoting community policies and practices that will 1) reduce youth access to drugs and alcohol, 2) raise awareness about the harms of drug and alcohol use, and 3) decrease the social acceptance of drug and alcohol use among youth.

We realize that developing a cannabis ordinance is a difficult and challenging process. We are pleased to see initial efforts to hold two workshops and to gather some data through a survey about community members' viewpoints and concerns. This is important because cannabis legalization is already changing Corte Madera. Just one example: over the past few months, people have begun smoking marijuana in Town Park on a regular basis, exposing kids, families and young people to the habit of smoking weed and to secondhand marijuana smoke.

Based on our review of the latest public health research on cannabis use, our monitoring of the burgeoning cannabis industry, and our experience with cannabis ordinance planning processes in other communities in Marin, we would like to share credible research and resources with you. We hope this information will help you provide Town leaders and community members with accurate information to carefully consider the potential public health and safety impacts of cannabis businesses and outdoor growing on Corte Madera's youth and the community in general.

Risks to public health and safety: In Marin County, cannabis use has become one of the leading public health issues facing our communities. As you probably know, Marin County has a culture of being, as one local high school student put it, "ground zero for pot use." The



phrase “420” – the code known worldwide as “weed day” – was coined by high school students in Marin. Unfortunately, although not surprisingly, young people in Marin County have among the highest rates of marijuana use because marijuana use is a widespread norm in our communities. The most recent and rigorous research has shown many negative impacts of increased cannabis access that could undermine the health and safety of children, youth, and adults in Corte Madera:

- Use of marijuana and other cannabis projects can significantly affect the developing adolescent brain, causing permanent cognitive impairment, memory loss, paranoia and in some cases acute psychosis from high potency products.
<https://ajp.psychiatryonline.org/doi/10.1176/appi.ajp.2018.18020202>
- People who begin using in marijuana in adolescence are significantly more likely to have symptoms of marijuana dependence within two years after their first use.
- Marijuana use increases the risk of being involved in an automobile accident. Since recreational marijuana was legalized in Colorado in 2013, marijuana related traffic deaths have increased 151%.
- Based on economic research on tobacco and alcohol, cannabis businesses are unlikely to generate sufficient revenues to offset the additional cost of harm borne by taxpayers.
- Recent studies have shown that after storefront cannabis dispensaries begin operating, property crime increases in neighborhoods adjacent to the dispensaries.
- Cannabis businesses have been targeted for burglary because of their high-value merchandise and cash-based business.
- Legalization of adult use in California is resulting in a new climate of smoking marijuana in many public places.

For these reasons and many others, we hope you share our concerns about the potential impacts that policies encouraging cannabis use would have on the children, young people, and adults of Corte Madera.

Powerful cannabis business interests: Corte Madera and other communities in Marin County are prime markets for the cannabis industry. Prop 64 was written by the industry with little regard for public health and safety concerns. The top 10 publicly traded U.S. cannabis companies are valued at \$8.2 billion collectively, not including private cannabis businesses. The US cannabis industry is increasingly aligned with investment interests from Big Tobacco and the alcohol industry. In just one year after legalization of adult use, California’s highly organized cannabis industry is projected to exceed \$5.1 billion in market value. Even with the availability of high-grade Northern California marijuana approaching 30% THC concentrations (more than triple the levels in the 1970s), the latest products to go mainstream in California’s retail cannabis shops and delivery services are concentrates with between 60-99% THC that are smoked in “rigs” or conveniently inhaled through vape pens with flavors like banana cream and blueberry. This is just a brief description of the industry that is under consideration to operate in our communities in Marin County through retail outlets. The websites below will give you some sense of the power of the cannabis industry and where the industry is headed. For these reasons, we have serious concerns about allowing retail medicinal and recreational cannabis businesses to operate in the Twin Cities area. We think community members in Corte Madera will benefit from knowing about these facts.

<https://tobacco.ucsf.edu/sites/tobacco.ucsf.edu/files/u9/Public%20Health%20Analysis%20of%20Marijuana%20Initiatives%201%20Feb%202016.pdf>

<https://www.businessinsider.com/green-rush-legal-weed-delivery-2016-2>

<https://newfrontierdata.com/marijuana-insights/top-10-publicly-traded-u-s-cannabis-companies-market-cap/>

<https://www.investors.com/news/marijuana-business-soars-big-tobacco-opportunities-vaping-cannabis-inhaler/>

<https://www.cacannabisindustry.org>

<https://www.cannabisbusinesssummit.com>

<https://www.californiacannabisbusinessconference.com>

<https://www.greenstate.com>

<https://www.theguardian.com/society/2018/sep/17/marijuana-cannabis-concentrates-dabbing>

Evidence-based ordinances: Like Corte Madera, communities throughout the US and California are struggling to create cannabis ordinances that are appropriate and measured. Allowing cannabis businesses to operate and allowing outdoor growing have caused conflicts in other small California communities. One of the biggest problems is that community members do not realize the scope of what they are considering until it is coming to their neighborhood.

Despite State Blessing, Marijuana Dispensaries Face Local Rancor

<https://www.nytimes.com/2018/07/03/business/marijuana-dispensaries-real-estate.html>

Based on our observations of ordinance-making processes in California and locally in Marin County, we have four main concerns:

- 1) Local representatives and community members may assume that voters who supported decriminalization of marijuana through Prop 64 also support cannabis-related businesses and outdoor growing in their communities.
- 2) Local governments are not always equipped to provide community members and policymakers with essential information about the potential public health and safety impacts of cannabis use prior to asking their opinions and developing ordinances.
- 3) Opinion data collected locally from residents and business people may not accurately reflect the views of important constituent groups or the community as a whole because of unreliable methods used.
- 4) Community members, particularly busy parents and teens, often do not know about the cannabis ordinance-making process or understand the implications of ordinances.

Accordingly, we would welcome the opportunity to share some ideas with you about how the Town of Corte Madera can create a process to ensure that first off community members and policymakers are well informed, and then opinions are gathered as accurately as possible.

The Coalition is available as a resource for all Corte Madera community members and the Town leadership to provide accurate information and research on the potential impact of cannabis-related businesses and outdoor growing. Here are a few public health resources that may be helpful to the Town to use in considering the potential impact on the community.

Centers for Disease Control and Prevention:

<https://www.cdc.gov/marijuana/health-effects.html>

Rocky Mountain High Intensity Drug Trafficking Area reports:

<https://rmhidta.org/files/D2DF/FINAL-%20Volume%205%20UPDATE%202018.pdf>

Model Ordinances for marijuana regulation in California:

<http://www.phi.org/resources/?resource=model-ordinance-regulating-local-cannabis-retail-sales-and-marketing-in-california>

The Coalition Connection research page:

<https://www.thecoalitionconnection.com/legalizedmarijuana>



Thank you for your efforts to address this matter. We know you are committed to acting in the best interests of community members in Corte Madera and surrounding areas. We are committed to working with you as a supportive partner to create the healthiest and safest communities possible for our children, youth, and adult community members now and for generations to come. We look forward to talking with you about strategies for disseminating information and collecting reliable data.

Sincerely,

Jeremiah Mock
Public Health Researcher
Corte Madera resident
jeremiah.mock@gmail.com

Holley Shafer
Public Health Researcher
Fairfax resident
shaferhol@gmail.com


Attachment 4
December 4, 2018 Town Council Staff report with attachments and minutes.



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: November 29, 2018
MEETING DATE: December 4, 2018

TO: Honorable Mayor and Members of the Town Council

FROM: Phil Boyle, Senior Planner 
Sean Kennings, Planning Consultant, LAK Assoc.

SUBJECT: Presentation and Discussion of the Development of a Town Ordinance Regulating Cannabis Related Businesses and Personal Cultivation



RECOMMENDED ACTION:

Provide direction to staff regarding polices and regulations for the development of an Ordinance for the Town of Corte Madera potentially regulating cannabis related businesses and/or cultivation of cannabis.

BACKGROUND:

Introduction

The State of California has legalized certain commercial cannabis activity, medicinal and nonmedicinal use of cannabis, and limited cultivation of cannabis for personal use. Additionally, the State has promulgated regulations governing the operations of cannabis businesses in the State. State law allows local governments to ban altogether or impose additional regulations on commercial cannabis businesses operating within their respective jurisdictions.

Additionally, although state law preempts local governments from limiting *indoor* cultivation of cannabis for personal use beyond the number of plants state law allows, local governments are free to reasonably regulate, ban, or restrict *outdoor* cultivation even for personal use.

The aspects of cannabis regulation that the Council may wish to consider directing staff to develop and bring back in a draft ordinance for further discussion and public input include:

- Cannabis Related Businesses – Currently the urgency Ordinance No. 978, which expires on September 19, 2019, prohibits all cannabis related businesses within the Town except for deliveries originating from businesses located outside the Town limits. If the Council wishes to allow certain cannabis related businesses, such as medicinal and/or nonmedicinal retail stores, processing facilities,

testing facilities, delivery facilities or others, it will need to identify which businesses to allow, develop policies that regulate these businesses and establish permitting procedures; and

- Indoor Cultivation for Personal Use– The Council may wish to consider imposing reasonable regulations on indoor cultivation for personal use; and
- Outdoor Cultivation for Personal Use – The Council may wish to consider completely prohibiting or imposing regulations on outdoor cultivation for personal use.

To keep the community informed, staff has created a [Cannabis Ordinance page](#) on the Town’s Website which has all previous ordinances, staff reports, meeting minutes, the public survey results, the public workshop presentations and videos and many links to State and Marin County cannabis related resources.

Summary of California and Corte Madera Cannabis Legislation

In September 2015, the California Legislature adopted the Medical Regulation and Safety Act (MCRSA) in effort to clarify and establish a statewide regulatory framework to oversee the medicinal cannabis-related businesses.

On November 8, 2016, California voters approved Proposition 64, known as the *Control, Regulate and Tax Adult Use of Marijuana Act* (or “AUMA”). In Marin, 69.6% voted “Yes” and 30.4% voted “No” on Proposition 64. This initiative legalized the recreational use of nonmedicinal marijuana for individuals 21 years of age or older and permits small-scale personal cultivation throughout the State.

On June 15, 2017, the State legislature passed new legislation combining and coordinating government oversight of the State’s medicinal and nonmedicinal cannabis-related industries.

Under State law, Corte Madera retains the authority to ban any medicinal and nonmedicinal cannabis-related businesses from operating within the Town and/or adopt additional regulations, beyond those imposed by the State. In response to State legislation and the anticipated January 1, 2018 start date for the State to start issuing licenses to cannabis businesses, Staff presented background information and analysis for the Council to consider in the development of the Town’s own policies and regulations related to medicinal and nonmedicinal cannabis businesses and cultivation of cannabis for personal use. The Council directed staff to create an urgency ordinance that would temporarily prohibit medicinal and nonmedicinal cannabis-related businesses from locating and operating in Corte Madera while the Town undertakes a public process – with appropriate community outreach and engagement – to develop policies and regulations for this emerging industry. The Council adopted the urgency Ordinance No. 971 in September of 2017, extended it in October of 2017, and then approved its final extension on September 19, 2018. The ordinance will expire on September 19, 2019. All previous ordinances and resolutions approved by the Town are also on the [Cannabis Ordinance page](#).

DISCUSSION:

Staff has begun the process of developing a cannabis ordinance by gathering additional information regarding the types of cannabis-related businesses that could be licensed by the State; discussing mobile

delivery business models with industry representatives; attending seminars related to regulatory best practices for cannabis-related businesses; and consulting with planning staff from other local jurisdictions to understand regional regulatory responses and other jurisdiction's policy directions. Staff developed a public opinion survey and held two public workshops in September to educate and take comments from the community. On October 23 the Planning Commission held a public hearing where staff provided an overview of the work that has been accomplished to date. A summary of the October Planning Commission Hearing, both public workshops and the survey results are described below.

Summary of October 23, 2018 Planning Commission Hearing

At the October 23, 2018 Planning Commission hearing, staff presented an overview of cannabis legislation at the State and local level as well as the results of the public opinion survey (Attachment 1). The presentation was very similar to the one provided at the two public workshops. The general consensus of the Commissioners was that the Town should allow indoor cultivation as required by the State without additional regulations, and should allow businesses located outside of the Town to deliver cannabis to Corte Madera locations. Four of the five commissioners recommended that no other types of cannabis businesses should be allowed in Corte Madera.

Some of the issues brought up during the meeting by both the Commission and the public included whether there should be buffers between commercial cannabis uses and residential uses, what the review process should be for permitting cannabis related businesses and the impact cannabis businesses or outdoor cannabis cultivation may have on minors. The minutes from the meeting are attached (Attachment 2) and the video can be reviewed at <https://www.youtube.com/watch?v=qFB-CNRpPOk&t=3583s>

Several comments and questions came up regarding the issue of buffers between cannabis businesses and schools. The State, as part of Health & Safety Code 11362.768 and Business and Professions Code Section 26054, established that no medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medicinal cannabis shall be located within a 600-foot radius of a school. The texts of both code sections are attached (Attachment 3). Other jurisdictions have established additional buffers separating personal cultivation from schools and this is an option for Corte Madera if the Council wishes to enact additional buffers.

The Commission asked if either the Village or the Town Center has been approached by cannabis businesses and if either center would be open to leasing space to such a business. Staff contacted both centers and neither has been approached by cannabis businesses nor are they interested in allowing them within their centers at this time. Staff also noted that if the Town allowed any type of cannabis related business it would likely require a use permit and such businesses would be restricted to certain zoning districts.

Both certain members of the public and the Commission expressed concern about the potential impact of cannabis businesses and cultivation on minors (individuals under 21 years of age) and that steps should be taken to avoid cannabis being "normalized" as has been done with alcohol. Others noted that the majority of Californians and citizens of Marin voted to legalize cannabis use and allowing cannabis businesses to operate in the Town could provide revenue for the Town.

Staff provided a number of handouts regarding cannabis that were available at the meeting and are also available on the Town's website at the [Cannabis Ordinance page](#). The Planning Commission Chair also provided handouts from the National Institute on Drug Abuse, the Center for Disease Control and the National Academies of Sciences (Attachment 4).

Summary of Public Workshops

The first public workshop was held on Wednesday evening, September 12th at Town Hall and was attended by approximately 23 people. Of the 23 individuals that signed in, 18 gave their address as within the Town. The second public workshop was held on Saturday morning, September 15th also at Town Hall, 16 people signed in, and 15 provided addresses within the Town. The workshops were publicized on the Town's website, on the reader board in front of the community center, as well as on Nextdoor.

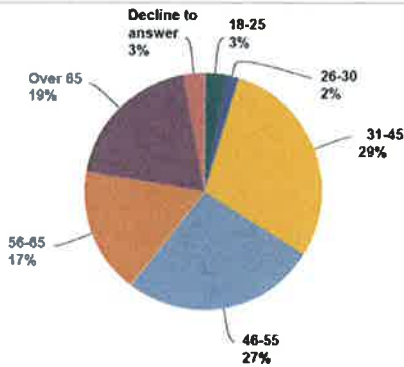
At the workshops, staff presented a detailed overview of the various types of cannabis and cannabis products, local and State legislation as well the different types of businesses and licenses that are permitted by the State if Corte Madera chooses to allow them. Staff defined personal cultivation, both indoor and outdoor, and explained the ways in which state law would allow the Town to regulate personal cultivation should it choose to do so. Videos of the workshops, the handouts provided and the sign-in sheets are available on the [Cannabis Ordinance page](#).

Public Survey Results

A [public opinion survey](#) was posted on the Town's website on September 7th and the final day to take the survey was November 4, 2018. The survey was publicized in the Town newsletter, at both public workshops, and on Nextdoor. The intent of the survey is to gather information and opinions from residents, business people and others as to their views concerning cannabis regulation in Corte Madera. Questions were asked regarding demographic information, medicinal cannabis and non-medicinal cannabis businesses, indoor and outdoor cultivation as well as what effect outdoor cannabis cultivation might have on the community. As of November 4, 2018, a total of 409 surveys were completed with 81% of the respondents being Corte Madera homeowners. Below are some of the results of the survey. A complete printout of all the questions and responses is attached (Attachment 2)

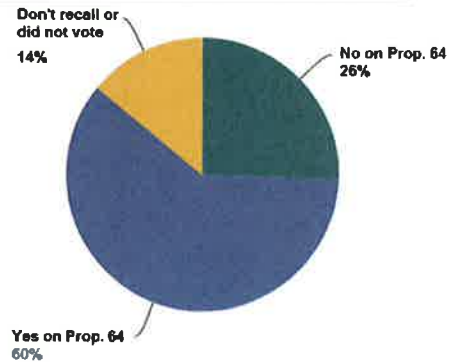
Examples of some of the responses to the demographic information provided by the participant's including: age, voting record on Proposition 64 and cannabis use are shown below.

Q3: I am between the ages of:

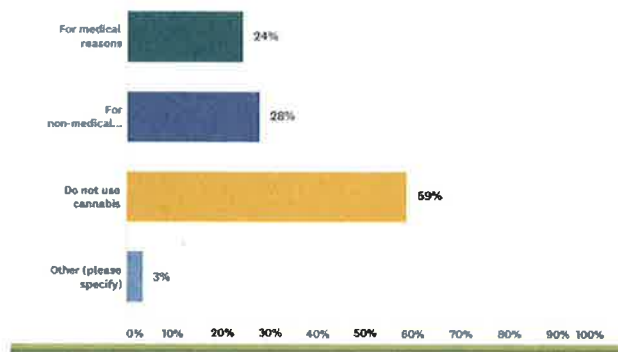


Q4: California's Proposition 64 – I voted:

California's Proposition 64 - the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) approved in 2016, legalized the safe, possession, and use of marijuana for individuals over the age of 21. I voted:



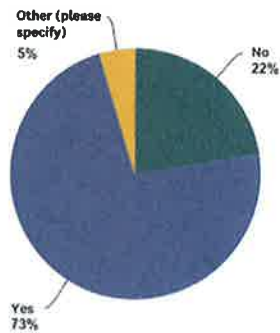
Q5: I personally use cannabis (marijuana)
(check all that apply)



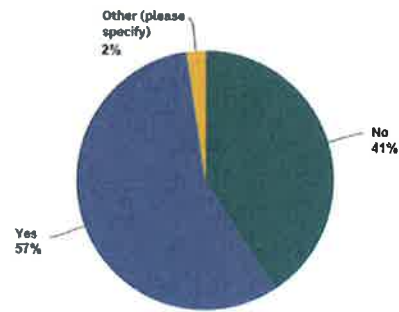
Deliveries

When the Council adopted the temporary prohibition against any cannabis business operating within the Town, the Council decided not to ban businesses located outside of the Town from delivering cannabis products to locations within the Town because of the need for patients to have access to medicinal cannabis as well as the difficulty of enforcing any ban on. To ascertain the citizen's opinions on cannabis delivery businesses, two questions were asked related to medicinal and nonmedicinal delivery businesses. Below are the responses to two of the questions which show that participants are more in favor of medicinal deliveries than nonmedicinal.

Q9: Would you support an ordinance that allows the delivery of medicinal-only cannabis in Corte Madera from locations outside Corte Madera?



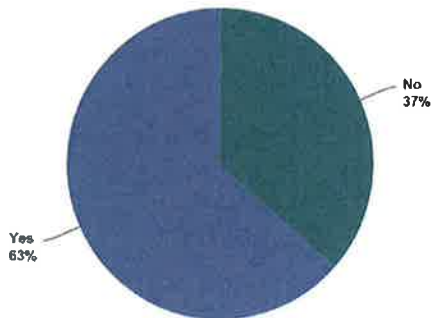
Q12: Would you support an ordinance that allows the delivery of non-medical cannabis in Corte Madera from locations outside Corte Madera?



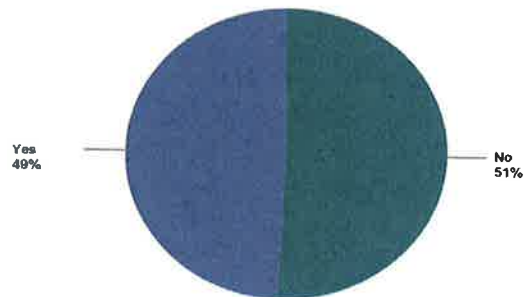
Businesses

The survey also included questions to ascertain the community's views on cannabis related businesses such as retail stores and non-store front businesses (e.g. research or testing facilities). The fiscal impact of cannabis related businesses was also asked in the survey. The results of five of those questions are shown below.

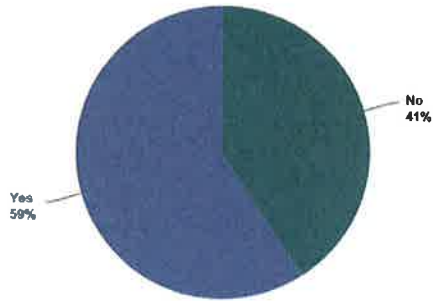
Q7: Would you support the establishment of medicinal-only cannabis dispensaries?



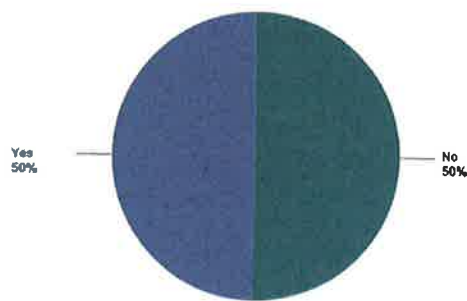
Q10: Would you support the establishment of non-medical cannabis retail stores in Corte Madera?



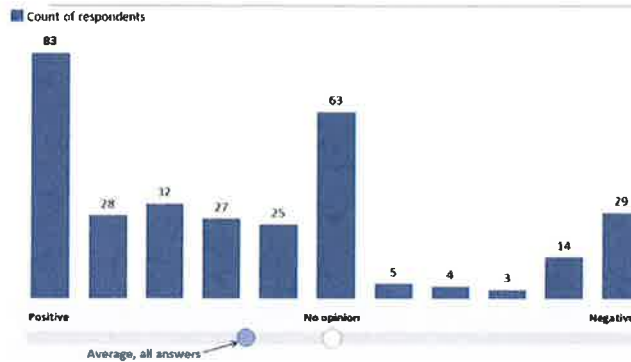
Q8: Would you support the establishment of medicinal-only cannabis businesses (non-retail) that process, test, and/or warehouse cannabis?



Q11: Would you support the establishment of non-medical cannabis businesses (non-retail) that process, test, and/or warehouse cannabis in Corte Madera?



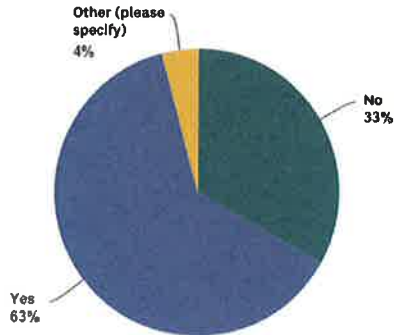
Q20: The overall fiscal impact of allowing cannabis businesses/sales in Corte Madera would be: (adjust slider accordingly)



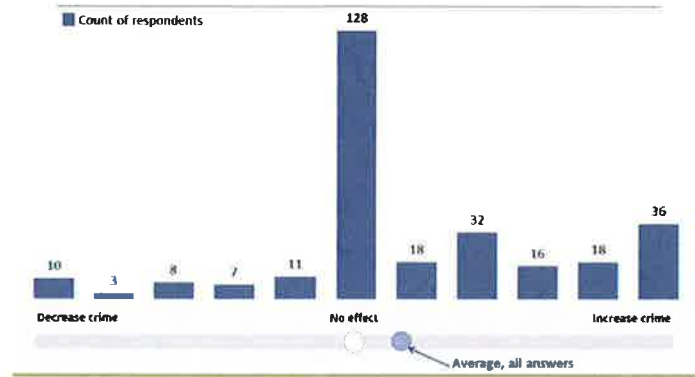
Outdoor Cultivation

Unlike indoor cultivation, a jurisdiction can completely prohibit outdoor cultivation or add restrictions to the State law which was established with the approval of Proposition 64. State law allows personal outdoor cultivation of up to six plants or 50 square feet by an individual at or over the age of 21 in the open or within a greenhouse on a single-family or duplex property. Two of the questions related to outdoor cultivation are shown below.

Q14: Would you support an ordinance that allows outdoor cultivation of cannabis in residential districts with certain restrictions (i.e. number of plants, location of plants on the site, etc.)?



Q15: Outdoor cannabis cultivation will have the following effect on crime: (adjust slider accordingly)



The two questions that asked about the effect of outdoor cannabis cultivation on public safety (Q16) and quality life (Q17) had very similar results to Question 15 above.

Indoor Cultivation

Under Proposition 64 jurisdictions cannot outright prohibit indoor cultivation which is defined as the cultivation of cannabis inside a private residence (single family, duplex or multi-family) or within a fully enclosed and secure accessory structure. The State allows individuals 21 years of age or older to cultivate a maximum of six plants per residential unit. However, individuals who have approval from a doctor may cultivate up to six mature or 12 immature plants and possess up to eight ounces of dried cannabis. The plants cannot be visible from the street or adjoining properties at ground level and they cannot be accessible by minors. Finally, if indoor cultivation is within an accessory structure it must be at least 10 feet from all property lines.

Local governments may “reasonably regulate” but not prohibit personal indoor cultivation. Some examples of regulations that other jurisdictions have approved for indoor cultivation and Corte Madera may consider include:

- A. Requiring a residential cultivation permit, with an appropriate fee and periodic inspections.
- B. The indoor cultivation may not draw more electrical power than the structure is designed to withstand (i.e. grow lights can’t exceed 1200 watts/light).
- C. Use of generators and extension cords is prohibited
- D. The cultivation is not a health hazard- water damage, mold, etc.
- E. The cultivation may not use more water than is reasonably required to cultivate six plants.
- F. The cultivation must comply with the Fire and Building Code.
- G. The structure where the cultivation is taking place must have a ventilation and filtration system for odor control.
- H. Tenants must have written authorization from the property owner to cultivation cannabis indoors.

If regulations such as the ones listed above are to be included in the ordinance, staff will work closely with other Town departments to assure that the regulations are in alignment with all other Town codes.

When adopted, the Town's Cannabis Ordinance will be an amendment to the Town of Corte Madera's Municipal Code (CMMC). As with other sections of the CMMC, enforcement of the ordinance will be the responsible of the Town's code enforcement division and the Central Marin Police Authority (CMPA). Planning Staff will work closely with the Code Enforcement Division and the CMPA to develop clear and effective enforcement procedures.

FISCAL IMPACT:

The discussion of the ordinance by the Town Council will not have a fiscal impact on the Town. The final ordinance may have a fiscal impact.

ENVIRONMENTAL IMPACT:

A discussion and possible direction to staff regarding the development of a Town ordinance is exempt from CEQA because it is not considered a project under Section 21065 – Definition of Project of the State CEQA Guidelines.

OPTIONS:

1. After hearing the presentation by staff, reviewing the materials and videos from the October 23, 2018 Planning Commission Hearing, the public workshops (September 12th and 15th) and hearing public comment, the Council provides direction to staff regarding what items to include in any ordinance regulating cannabis businesses or cannabis cultivation; or
2. The Council directs staff to provide additional information and analysis and continues the discussion at a future public meeting.

ATTACHMENTS:

1. Public Survey Results, November 4, 2018
2. October 23, 2018 Planning Commission Staff report (without attachments) and minutes.
3. Business and Professions Code Section 26054 and Health and Safety Code Section 11362.768
4. Handouts provided by Planning Commission Chair on October 23, 2018

THIS ITEM HAS BEEN REVIEWED AND APPROVED BY THE TOWN MANAGER.

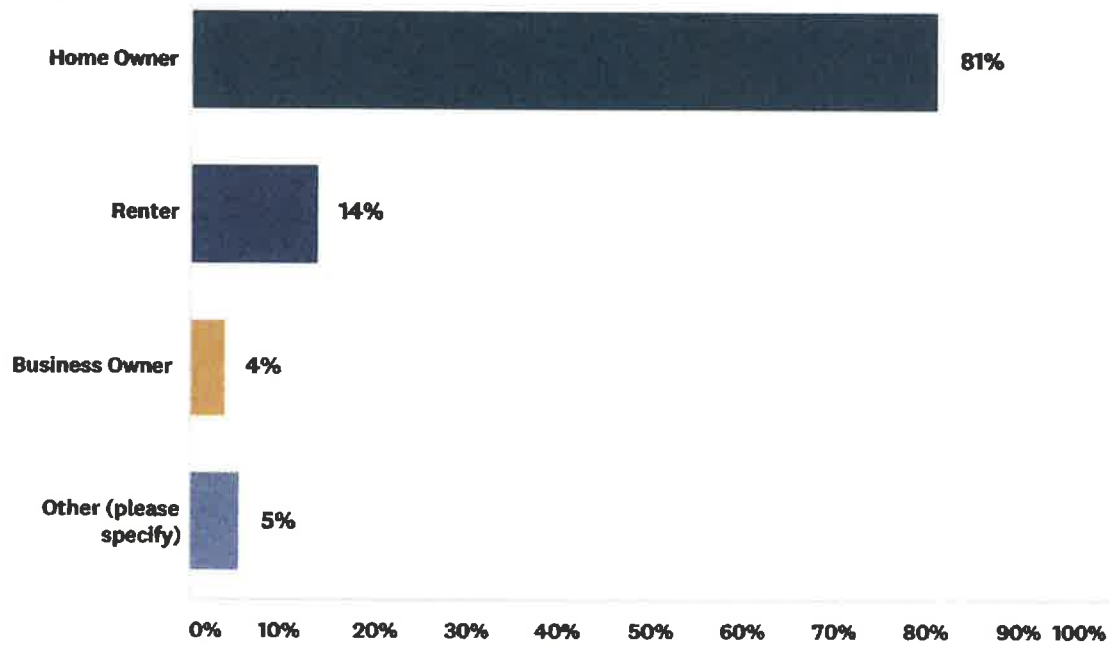
**Attachment 1
Public Survey Results**



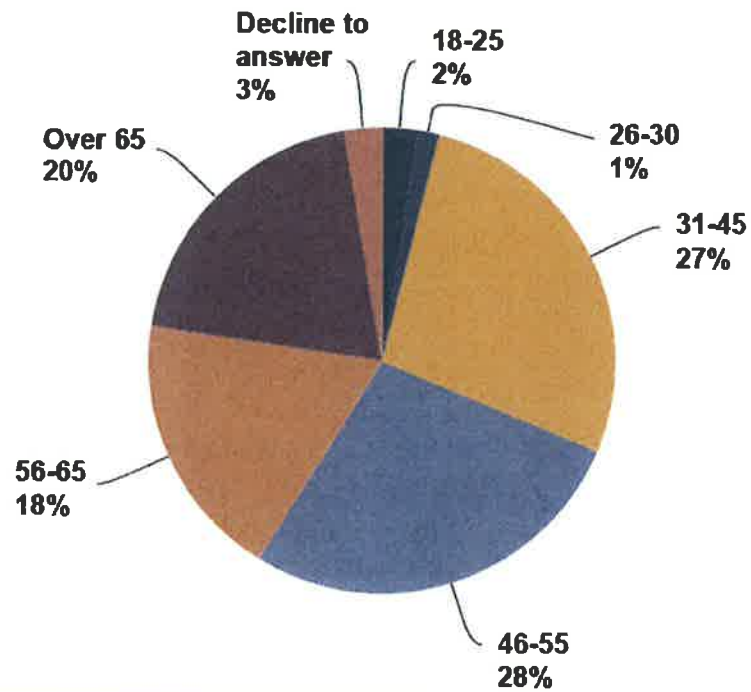
Town of Corte Madera Cannabis Regulations Survey

RESULTS AS OF NOVEMBER 4, 2018
409 RESPONSES

Q1: I am a Corte Madera: (check all that apply)

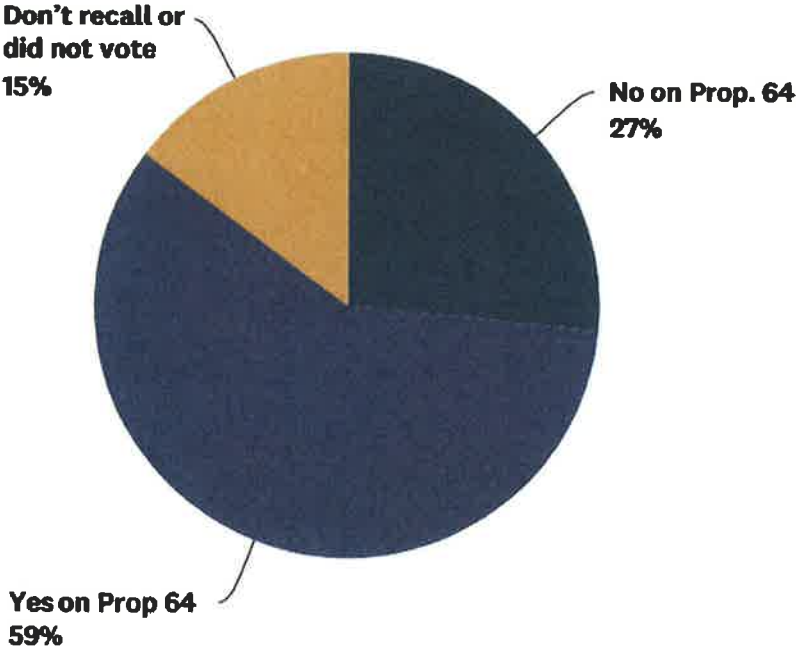


Q3: I am between the ages of:

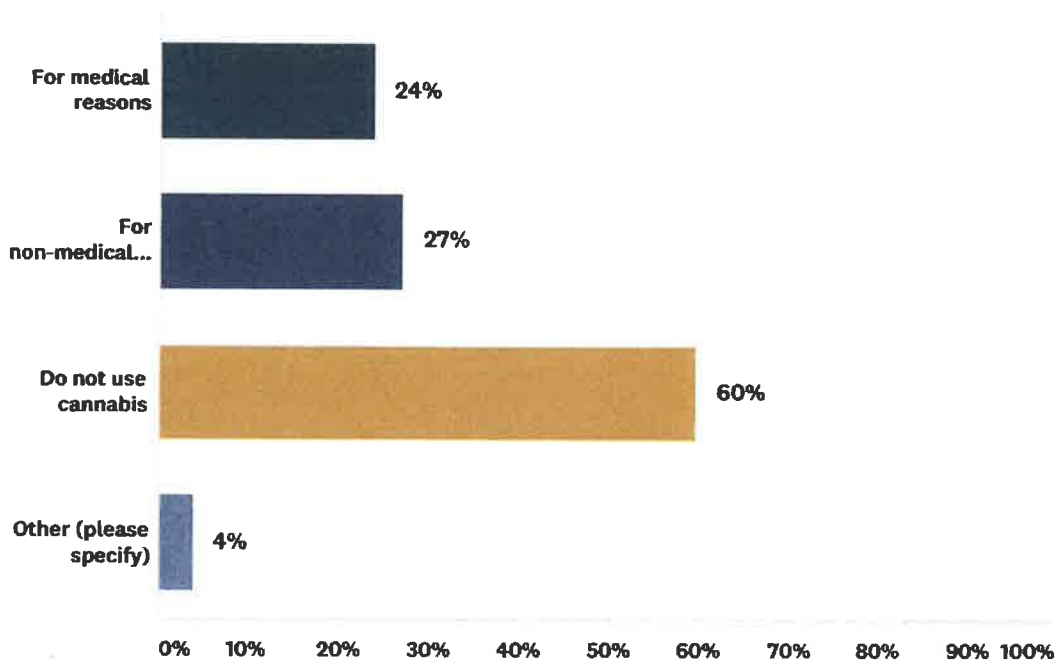


Q4: California's Proposition 64 – I voted:

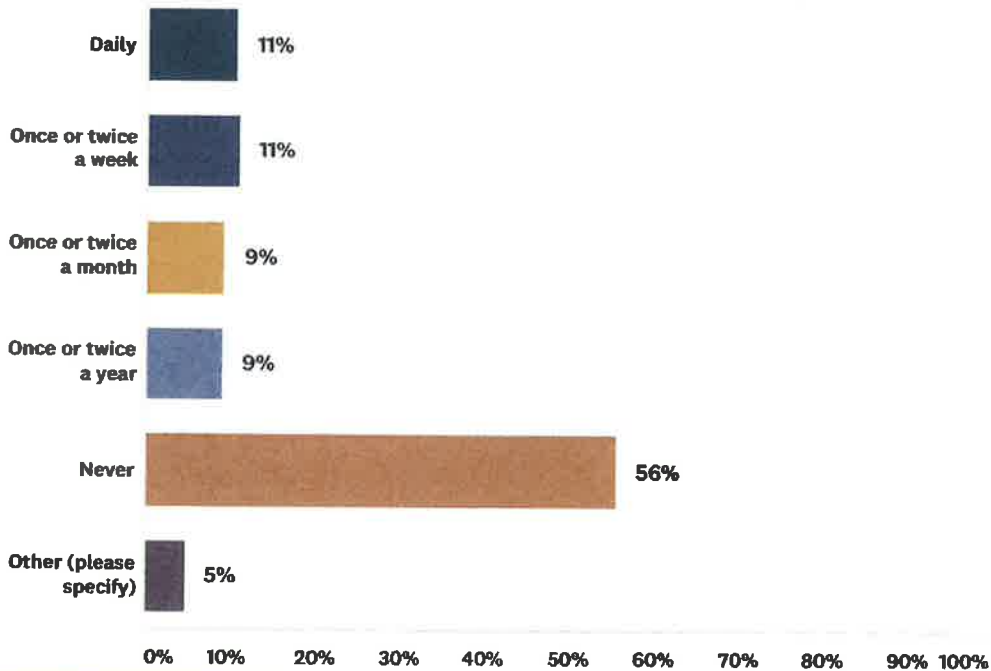
California's Proposition 64 - the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) approved in 2016, legalized the sale, possession, and use of marijuana for individuals over the age of 21. I voted:



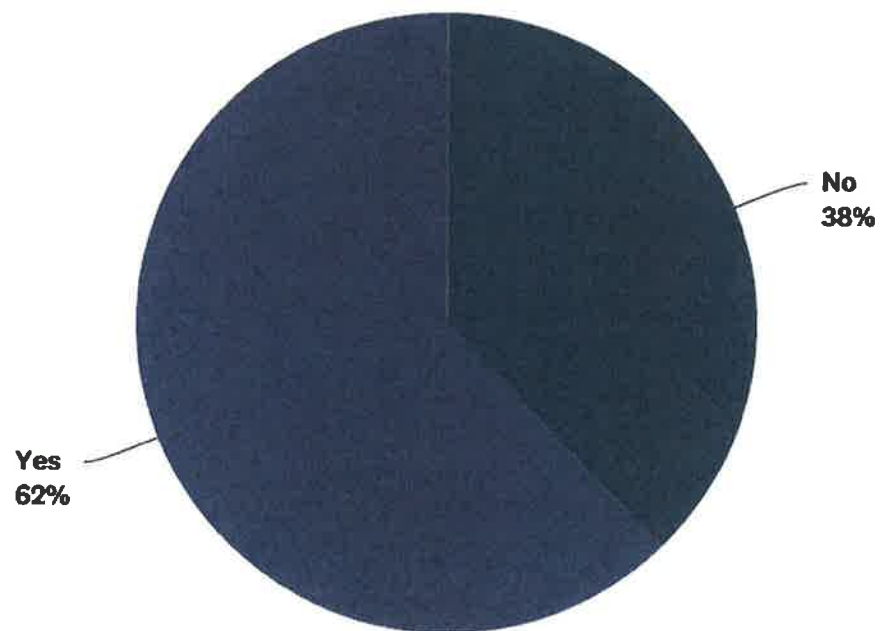
Q5: I personally use cannabis (marijuana) (check all that apply)



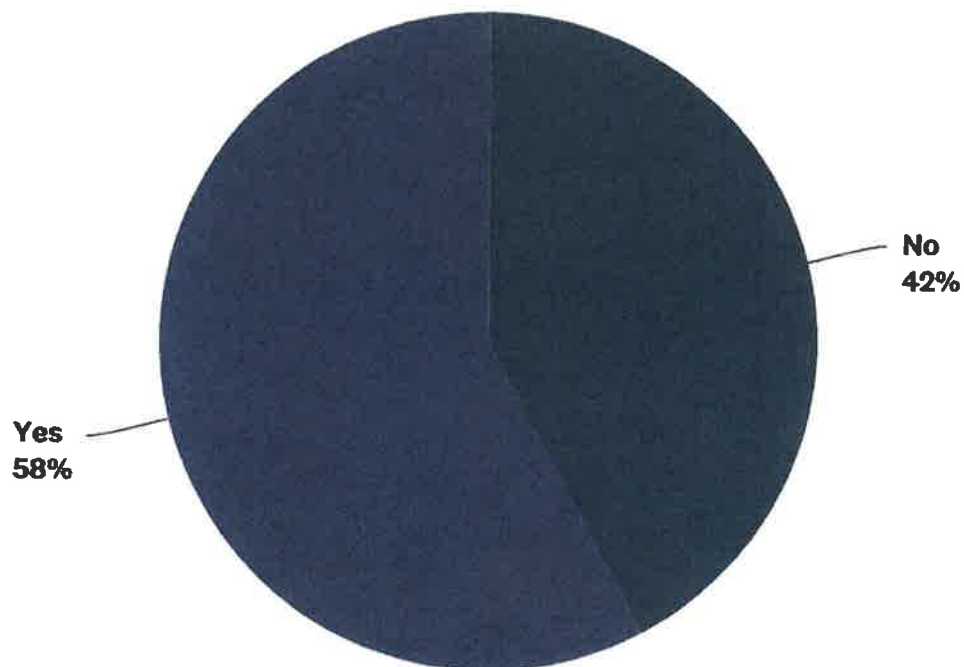
Q6: I personally use cannabis:



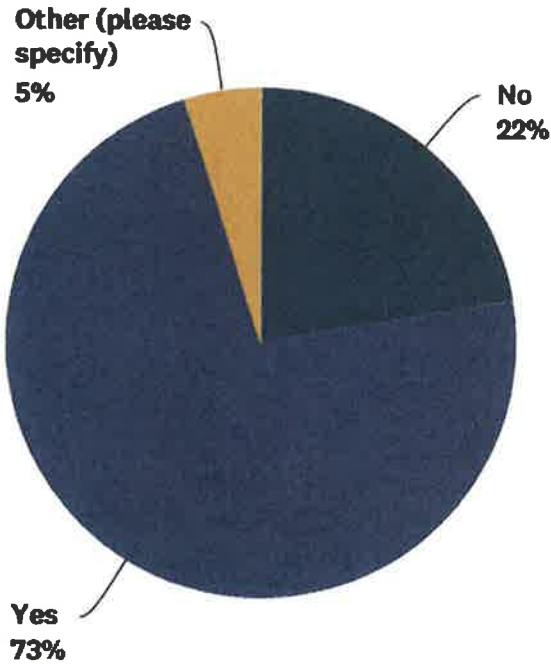
Q7: Would you support the establishment of medicinal-only cannabis dispensaries?



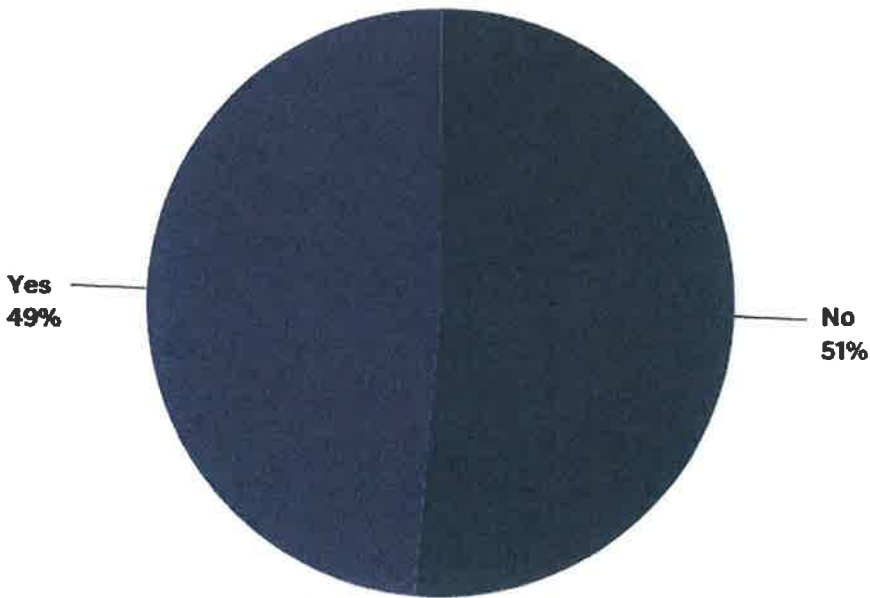
Q8: Would you support the establishment of medicinal-only cannabis businesses (non-retail) that process, test, and/or warehouse cannabis?



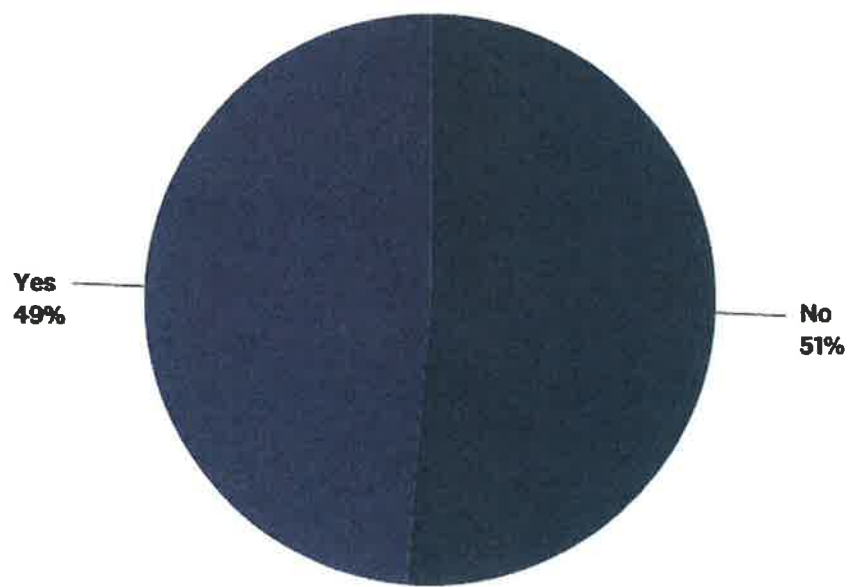
Q9: Would you support an ordinance that allows the delivery of medicinal-only cannabis in Corte Madera from locations outside Corte Madera?



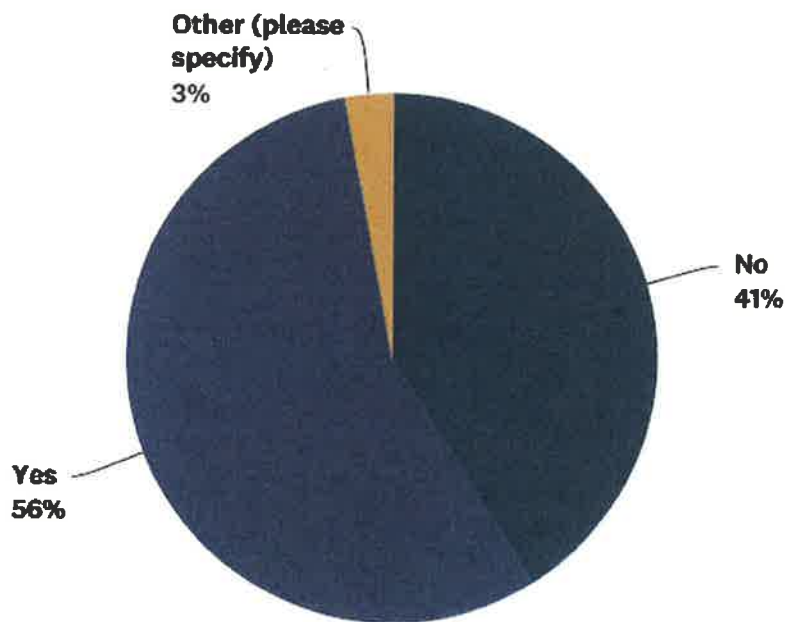
Q10: Would you support the establishment of non-medicinal cannabis retail stores in Corte Madera?



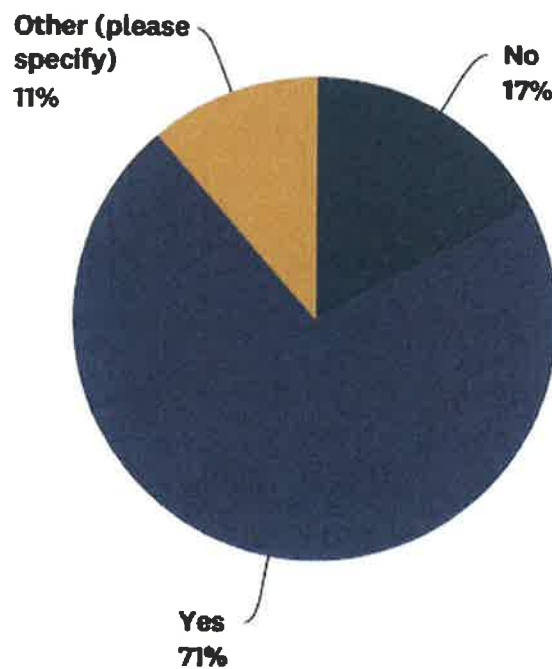
Q11: Would you support the establishment of non-medical cannabis businesses (non-retail) that process, test, and/or warehouse cannabis in Corte Madera?



Q12: Would you support an ordinance that allows the delivery of non-medicinal cannabis in Corte Madera from locations outside Corte Madera?



Q13: Should the Town establish buffer zones for cannabis businesses from schools, daycare facilities and similar uses?



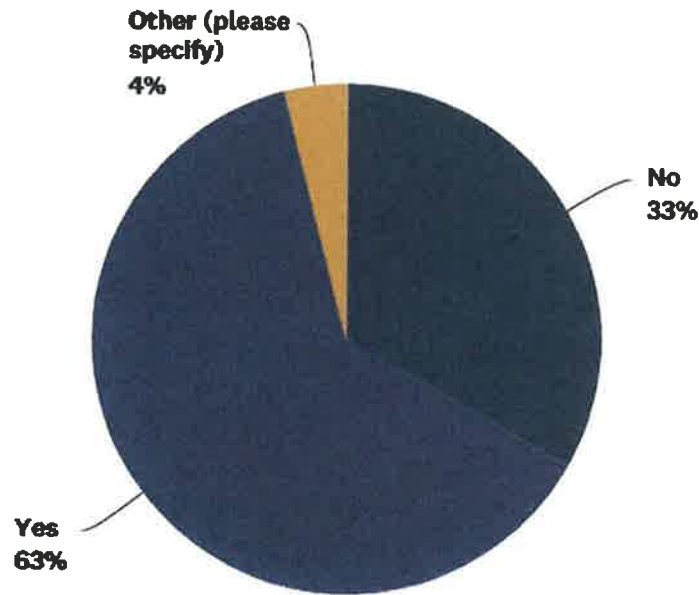
46 "Other" responses:

11 who state cannabis businesses should not be allowed at all.

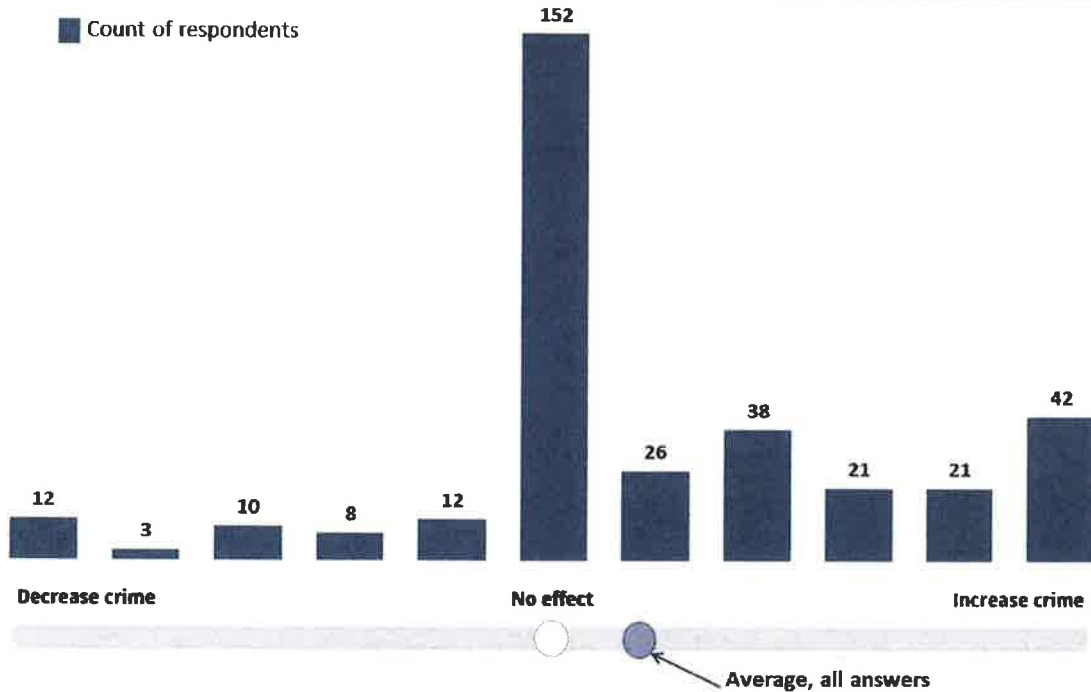
16 who state zoning should be the same as alcohol.

19 misc comments

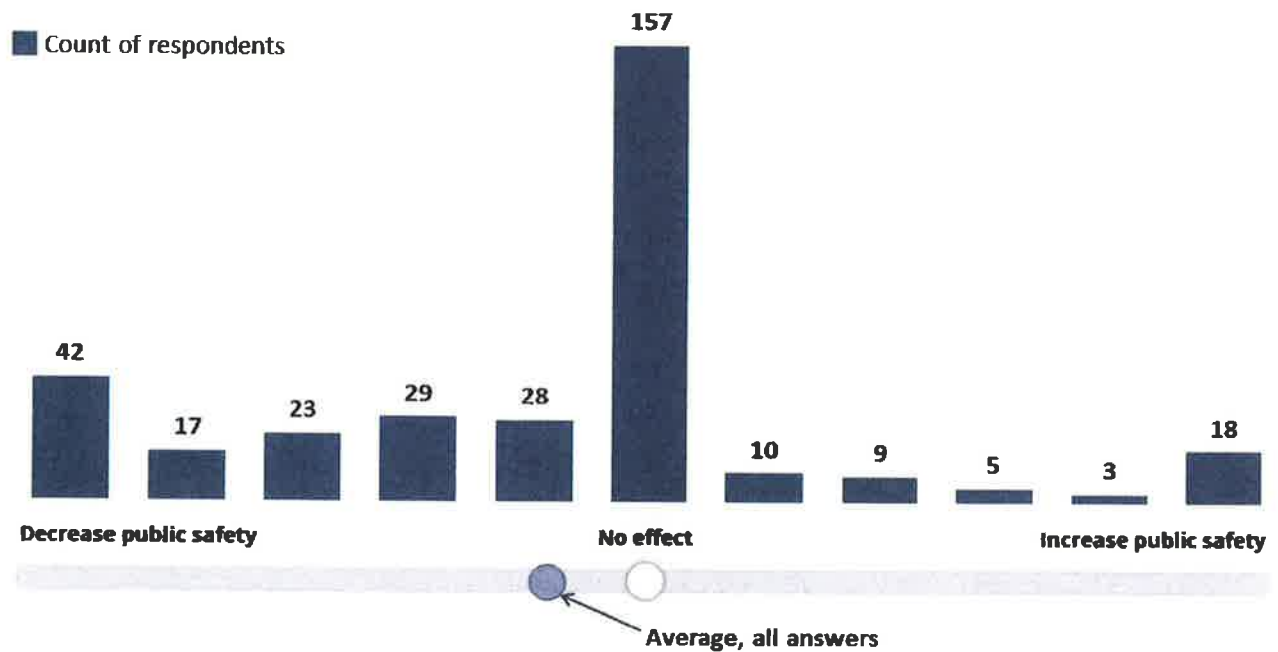
Q14: Would you support an ordinance that allows outdoor cultivation of cannabis in residential districts with certain restrictions (i.e. number of plants, location of plants on the site, etc.)?



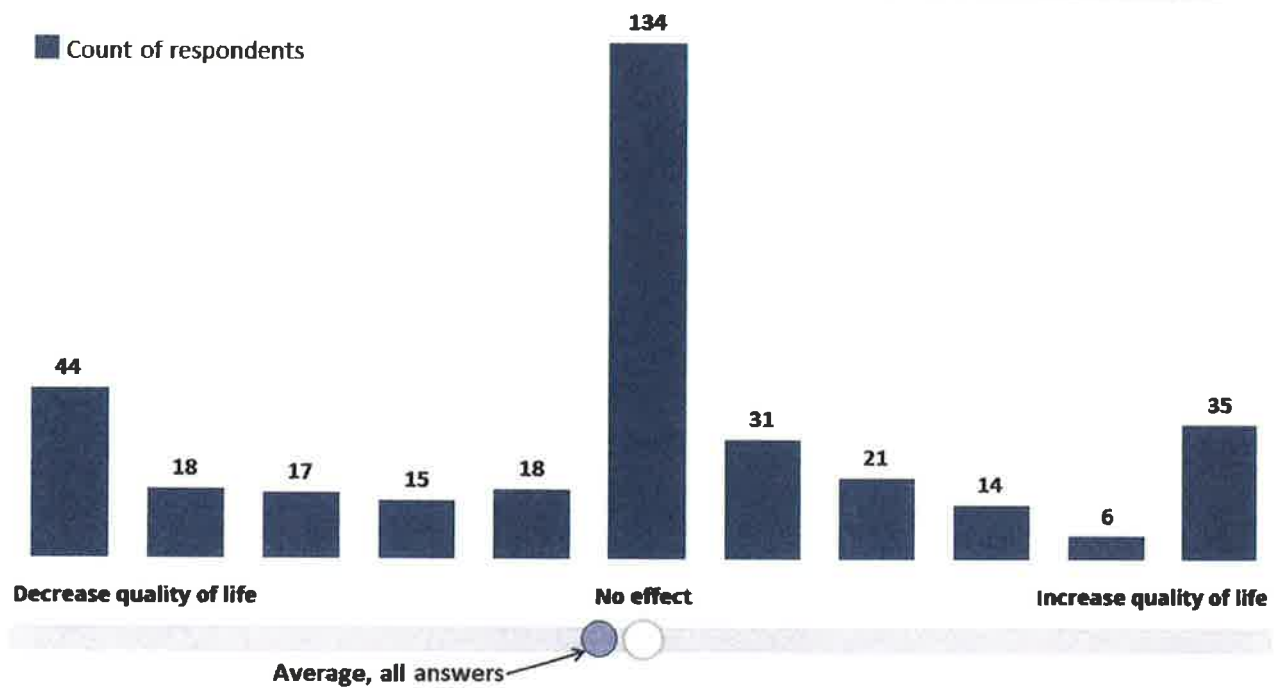
Q15: Outdoor cannabis cultivation will have the following effect on crime:
(adjust slider accordingly)



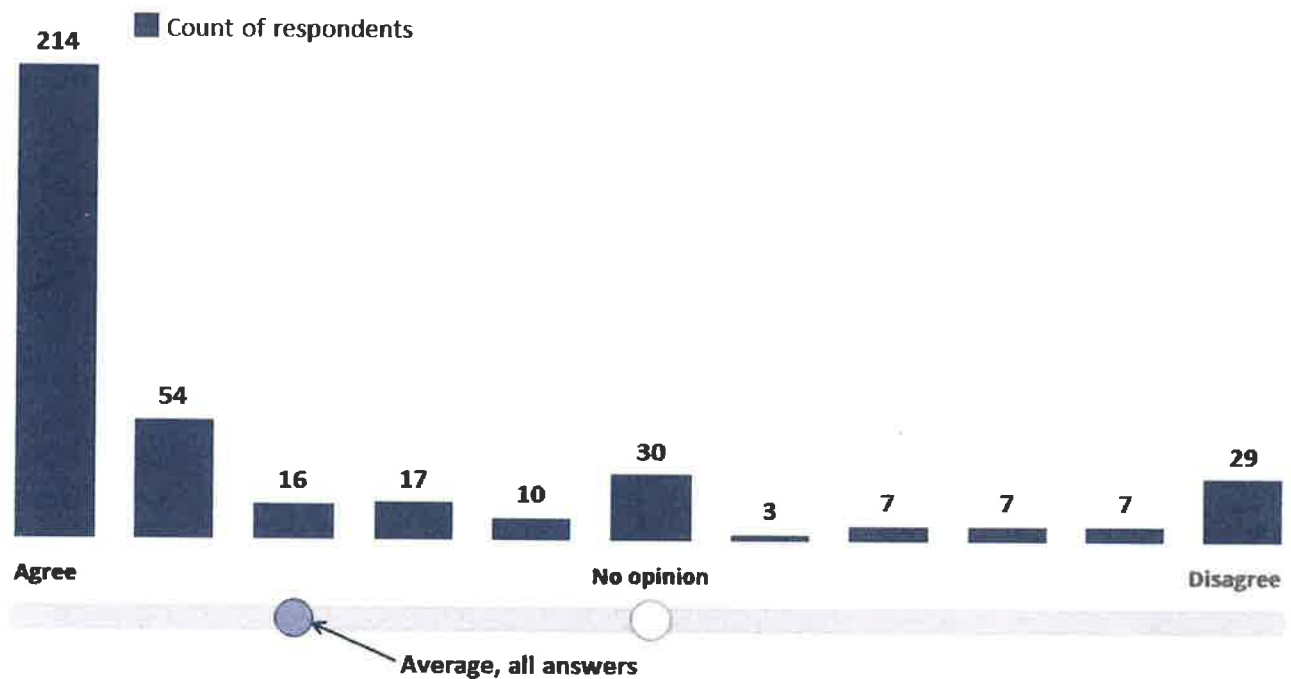
Q16: Outdoor cannabis cultivation will have the following effect on public safety:
(adjust slider accordingly)



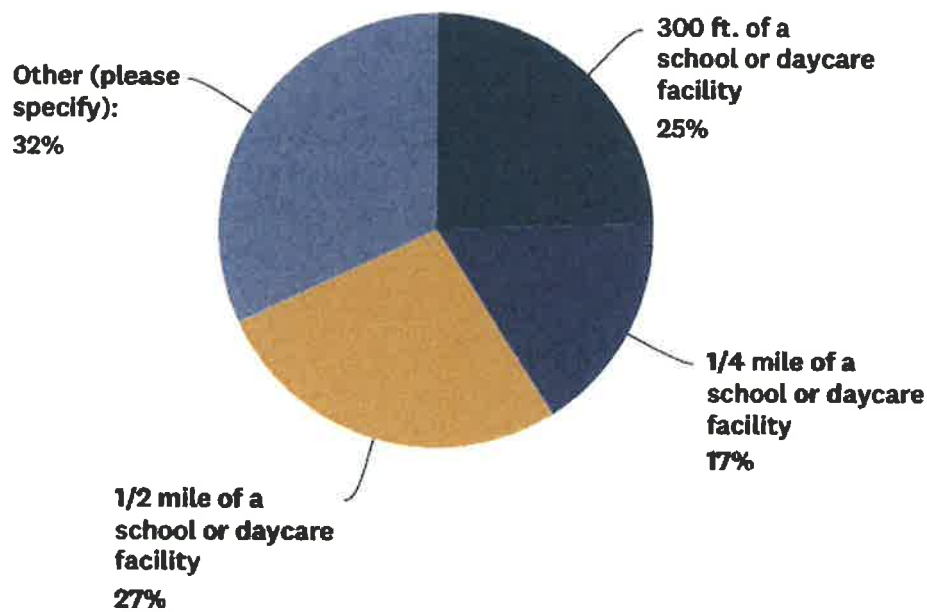
Q17: Outdoor cannabis cultivation will have the following effect on quality of life:
(adjust slider accordingly)



Q18: Outdoor cannabis cultivation should not be visible from public areas (streets, sidewalks, parks, schools)(adjust slider accordingly)



Q19: Outdoor cultivation should not be allowed within:

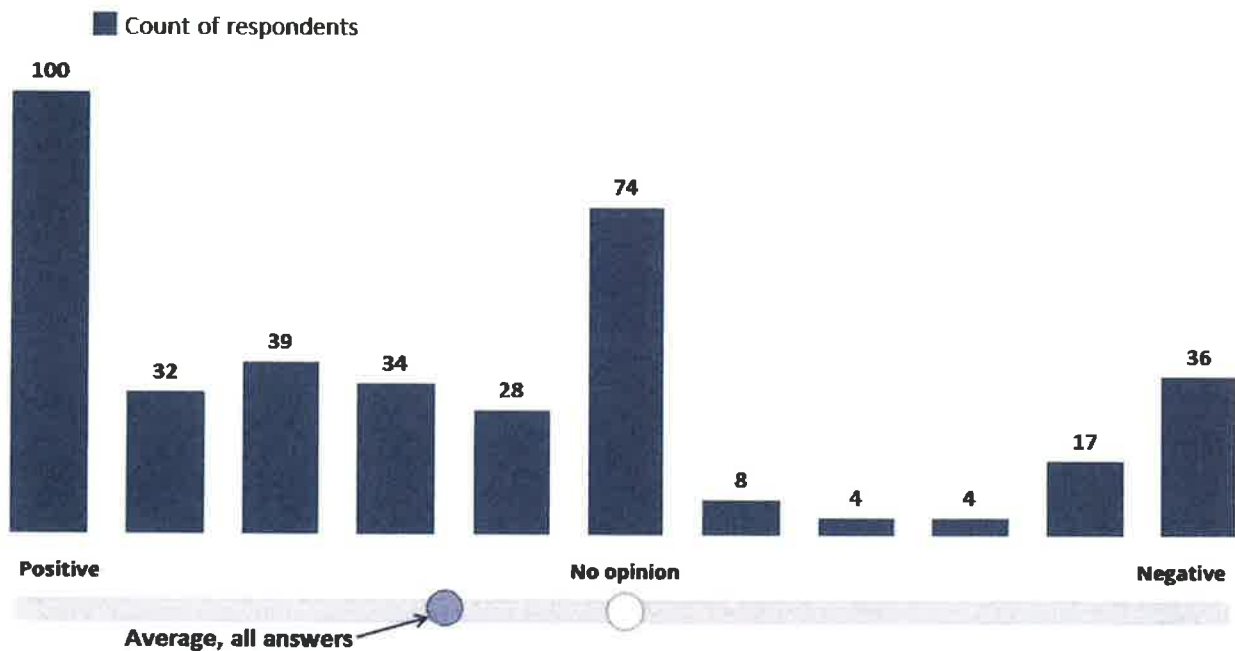


128 "Other" responses:
47 who state there should be no restrictions on proximity

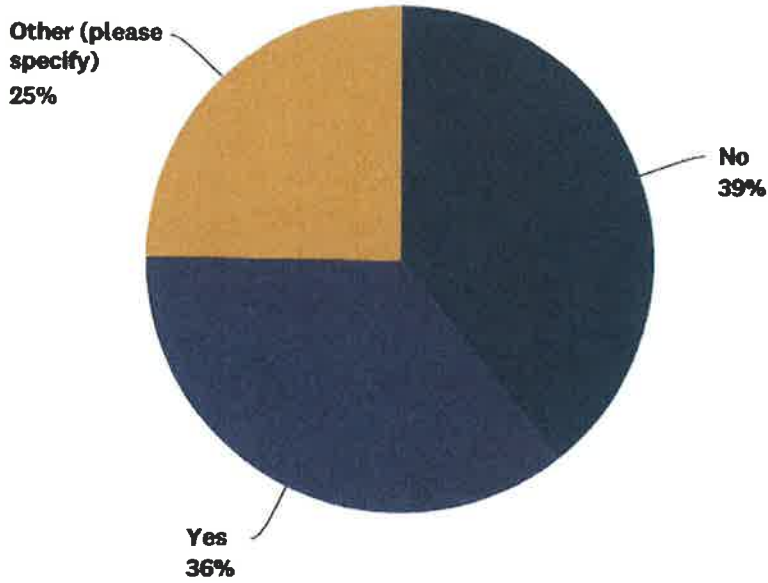
27 who state outdoor cultivation should not be allowed at all

54 misc comments

Q20: The overall fiscal impact of allowing cannabis businesses/sales in Corte Madera would be: (adjust slider accordingly)



Q21: I would consider locating my business in Corte Madera if commercial sale of cannabis and/or cannabis businesses were permitted in Corte Madera:



96 "Other" responses:
86 who stated this question does not apply to them or that they have no opinion
10 misc comments

Attachment 2
October 23, 2018 Planning Commission Staff report
(without attachments) and minutes



CORTE MADERA PLANNING COMMISSION

STAFF REPORT

REPORT DATE: October 19, 2018
MEETING DATE: October 23, 2018

TO: Planning Commissioners

FROM: Phil Boyle, Senior Planner

SUBJECT: Presentation and Discussion of the Development of a Town Ordinance Regulating Cannabis Related Businesses and Personal Cultivation



RECOMMENDED ACTION:

Provide direction to staff regarding polices and regulations for the development of a Cannabis Ordinance for the Town of Corte Madera.

BACKGROUND:

Introduction

The State of California has legalized certain commercial activity as well as personal use and personal cultivation of medicinal and non-medicinal cannabis. State law allows local governments to supplement State law with their own regulations within certain limits. The Town does not have the authority to make the existing State requirements less restrictive. The aspects of cannabis regulation that the Planning Commission may wish to consider directing staff to develop and bring back in a draft ordinance for further discussion and public input include:

- Cannabis Related Businesses – Currently the urgency Ordinance No. 978, which expires on September 19, 2019, prohibits all cannabis related businesses within the Town except for deliveries originating outside the Town limits. If the town wishes to allow certain cannabis related businesses, such as medicinal and/or non-medicinal retail stores, processing facilities, testing facilities, delivery facilities or others, it will need to identify which businesses to allow, develop policies that regulate these businesses and permitting procedures and;
- Indoor Cultivation – As described below in the discussion section of this report, reasonable regulations, but not a prohibition per State law, on indoor cultivation within residential units can be part of the Town’s ordinance and;
- Outdoor Cultivation – State law does allow Corte Madera to completely prohibit or approve additional regulations on outdoor cultivation as part its ordinance.

To keep the community informed, staff has created a [Cannabis Ordinance page](#) on the Town's Website which has all previous ordinances, staff reports, meeting minutes, the public workshop presentations and videos and many links to State and Marin County cannabis related resources.

Summary of California and Corte Madera Cannabis Legislation

In September 2015, the California Legislature adopted the Medical Regulation and Safety Act (MCRSA) in effort to clarify and establish a statewide regulatory framework to oversee the medicinal cannabis-related businesses.

On November 8, 2016, California voters approved Proposition 64, known as the *Control, Regulate and Tax Adult Use of Marijuana Act* (or "AUMA"). In Marin, 69.6% voted "Yes" and 30.4% voted "No" on Proposition 64. This initiative legalized the recreational use of nonmedicinal marijuana for individuals 21 years of age or older and permits small-scale personal cultivation throughout the State.

On June 15, 2017, the State legislature passed new legislation combining and coordinating government oversight of the State's medicinal and nonmedicinal cannabis-related industries.

As described in the introduction above, under State law, Corte Madera retains the authority to ban any medicinal and nonmedicinal cannabis-related businesses from operating within the Town and/or adopt additional regulations, beyond those imposed by the State, on any cannabis-related business operating in their jurisdictions. In response to State legislation and the January 1, 2018 deadline where the State could have started issuing licenses for cannabis businesses, Staff presented background information and analysis for the Council to consider in the development of the Town's own policies and regulations related to medicinal and nonmedicinal cannabis businesses and personal cultivation. The council directed staff to create an urgency ordinance that would temporarily prohibit medicinal and nonmedicinal cannabis-related businesses from locating and operating in Corte Madera while the Town undertakes a public process – with appropriate community outreach and engagement – to develop policies and regulations for this emerging industry. The Council adopted the urgency Ordinance No. 971 in September of 2017 (extended it in October of 2017) and then approved its final extension on September 19, 2018. The ordinance will expire on September 19, 2019. All previous ordinances and resolutions approved by the Town are also on the [Cannabis Ordinance page](#).

DISCUSSION:

Staff has begun the process of developing a cannabis ordinance by gathering additional information regarding the types of cannabis-related businesses that could be licensed by the State; discussing mobile delivery business models with industry representatives; attending seminars related to regulatory best practices for cannabis-related businesses; and consulting with planning staff from other local jurisdictions to understand regional regulatory responses and other jurisdiction's policy directions. Staff developed a public opinion survey and held two public workshops in September to educate and take comments from the community. A summary of both public workshops and the survey results are described below.

Summary of Public Workshops

The first public workshop was held on Wednesday evening, September 12th at Town Hall and was attended by approximately 23 people. Of the 23 individuals that signed in, 18 gave their address as within the Town. The second public workshop was held on Saturday morning, September 15th also at Town Hall, 16 people signed in, and 15 provided addresses within the Town. The workshops were publicized on the Town's website, on the reader board in front of the community center, as well as on Nextdoor.

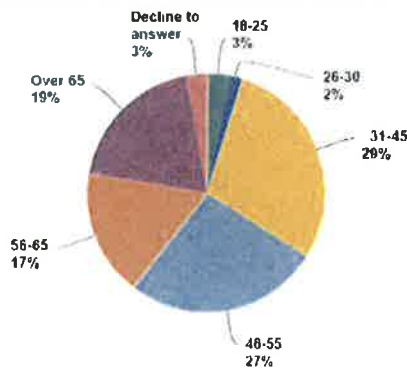
At the workshops, staff presented a detailed overview of the various types of cannabis and cannabis products, local and State legislation as well the different types of businesses and licenses that are permitted by the State if Corte Madera chooses to allow them. Personal cultivation, both indoor and outdoor, was defined and the parameters by which personal cultivation can be regulated by the Town was presented and discussed. Videos of the workshops, the handouts provided and the sign-in sheets are available on the [Cannabis Ordinance page](#). Town staff did receive an email that was also sent to the Town Council, from *The Coalition Connection* which is attached to this report (Attachment 1)

Public Survey Results

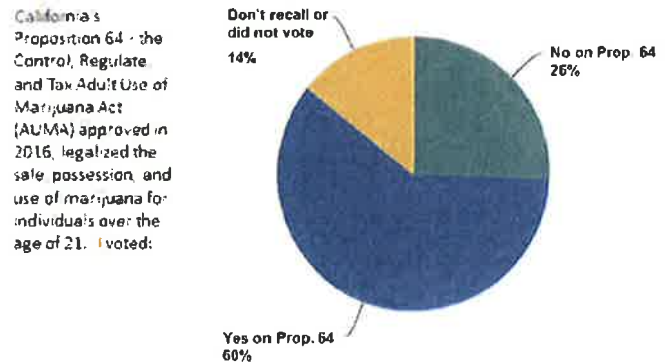
A [public opinion survey](#) was posted on the Town’s website on September 7th and the final day to take the survey is October 31st. The survey was publicized in the Town newsletter, at both public workshops, and on Nextdoor. The intent of the survey is to gather information and opinions from residents, business people and others as to their views concerning cannabis regulation in Corte Madera. Questions were asked regarding demographic information, medicinal cannabis and non-medicinal cannabis businesses, indoor and outdoor cultivation as well as what effect outdoor cannabis cultivation might have on the community. As of October 12, 2018, a total of 343 surveys were completed with 82% of the respondents being Corte Madera home owners. Below are some of the results of the survey. A complete printout of all the questions and responses is attached (Attachment 2)

Examples of some of the responses to the demographic information provided by the participant’s including: age, voting record on Proposition 64 and cannabis use are shown below.

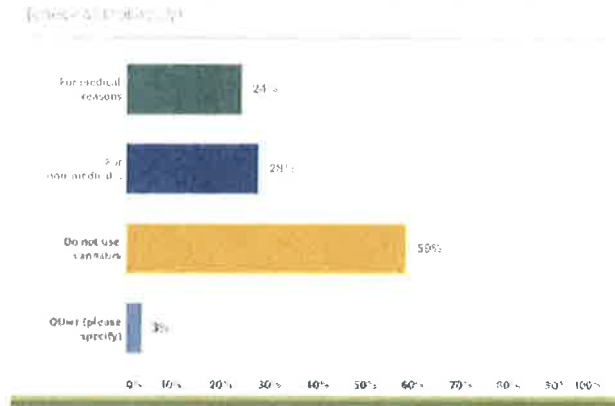
Q3: I am between the ages of:



Q4: California’s Proposition 64 – I voted:



Q5: I personally use cannabis (marijuana)

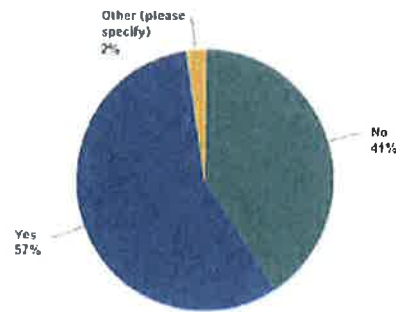
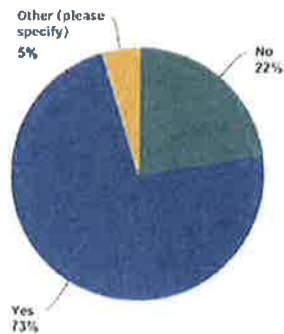


Deliveries

When the Town implemented the temporary prohibition against cannabis businesses it did not regulate deliveries beyond the State requirements acknowledging the need for patients to have access to medicinal cannabis as well as the difficulty in regulating such businesses that are not based in Corte Madera. To ascertain the citizen’s opinions on cannabis delivery businesses, two questions were asked related to medicinal and nonmedicinal delivery businesses. Below are the responses to two of the questions which show that participants are more in favor of medicinal deliveries than nonmedicinal.

Q9: Would you support an ordinance that allows the delivery of medicinal-only cannabis in Corte Madera from locations outside Corte Madera?

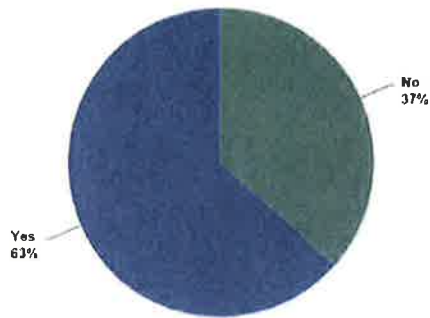
Q12: Would you support an ordinance that allows the delivery of non-medical cannabis in Corte Madera from locations outside Corte Madera?



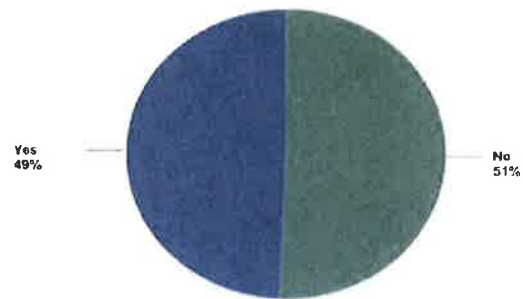
Businesses

The survey also included questions to ascertain the community’s views on cannabis related businesses such as retail stores and non-store front businesses (e.g. research or testing facilities). The fiscal impact of cannabis related businesses was also asked in the survey. The results of five of those questions are shown below.

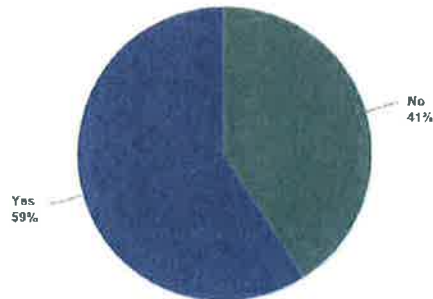
Q7: Would you support the establishment of medicinal-only cannabis dispensaries?



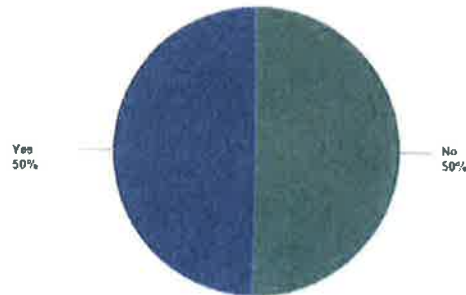
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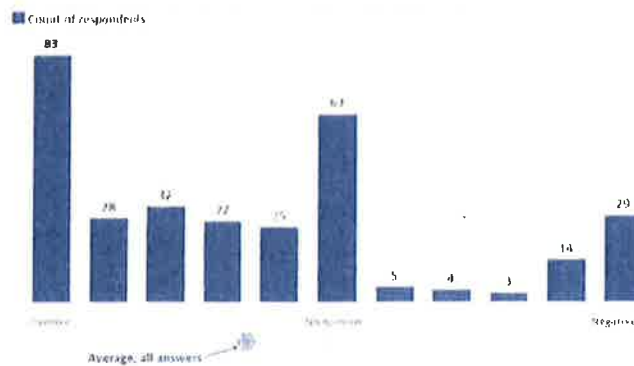
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Q20: The overall fiscal impact of allowing cannabis businesses/sales in Corte Madera would be: (adjust slider accordingly)

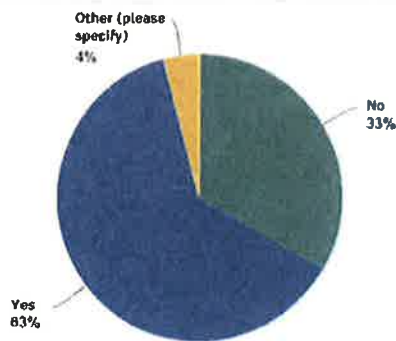


Outdoor Cultivation

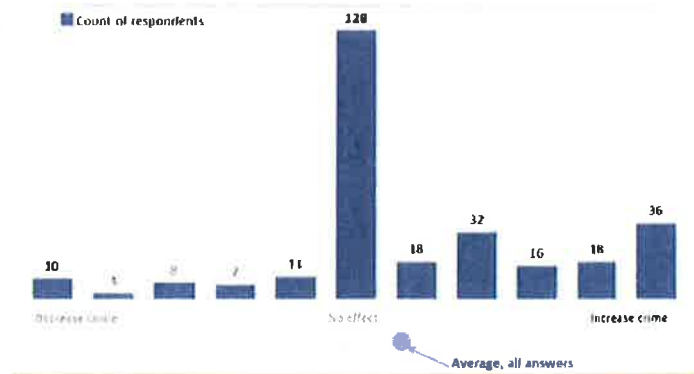
Unlike indoor cultivation, a jurisdiction can completely prohibit outdoor cultivation or add restrictions to the State law which was established with the approval of Proposition 64. State law allows personal outdoor cultivation of up to six plants or 50 square feet by an individual at or over the age of 21 in the

open or within a greenhouse on a single-family or duplex property. Furthermore, outdoor cannabis plants cannot be visible from the street or adjoining properties at ground level and cannot be accessible by minors. All plants must be at least 10 feet from all property lines, cannot be closer to an adjacent home than they are to the subject residence, and the growing area must be enclosed with a solid fence of at least six feet in height. Finally, a parcel with outdoor cannabis cultivation cannot be located within 100 feet of a school, church, park, library, or child care center. Two of the questions related to outdoor cultivation are shown below.

Q14: Would you support an ordinance that allows outdoor cultivation of cannabis in residential districts with certain restrictions (i.e. number of plants, location of plants on the site, etc.)?



Q15: Outdoor cannabis cultivation will have the following effect on crime:
(adjust slider accordingly)



The two questions that asked about the effect of outdoor cannabis cultivation on public safety (Q16) and quality life (Q17) had very similar results to Question 15 above.

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Local governments may “reasonably regulate” but not prohibit personal indoor cultivation of up to six marijuana plants within a private residence or a completely enclosed and secure accessory structure. Some examples of regulations that other jurisdictions have approved for indoor cultivation and Corte Madera may consider include:

- A. Requiring a residential cultivation permit, with an appropriate fee and periodic inspections
- B. The indoor cultivation may not draw more electrical power than the structure is designed to withstand (i.e. grow lights can’t exceed 1200 watts/light)
- C. Use of generators and extension cords is prohibited

- D. The cultivation is not a health hazard- water damage, mold, etc.
- E. The cultivation may not use more water than is reasonably required to cultivate six plants
- F. The cultivation must comply with the Fire and Building Code.
- G. The structure where the cultivation is taking place must have a ventilation and filtration system for odor control
- H. Tenants must have written authorization from property owner to cultivation cannabis indoors

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FISCAL IMPACT:

The discussion of the ordinance by the Planning Commission will not have a fiscal impact on the Town. The final ordinance may have a fiscal impact.

ENVIRONMENTAL IMPACT:

A discussion and possible direction to staff regarding the development of a Town ordinance is exempt from CEQA because it is not considered a project under Section 21065 – Definition of Project of the State CEQA Guidelines.

OPTIONS:

1. After hearing the presentation by staff, which is similar to the one presented at the public workshops, reviewing the materials and videos from the public workshops (September 12th and 15th) and hearing public comment, the Commission directs staff what items to include in the ordinance; or
2. The Commission directs staff to provide additional information and analysis and continues the discussion at a future public meeting.

ATTACHMENTS:

1. Letter from The Coalition Connection dated October 11, 2018
2. Public Survey Results

**DRAFT MINUTES
REGULAR PLANNING COMMISSION MEETING
OCTOBER 23, 2018
CORTE MADERA TOWN HALL
CORTE MADERA**

COMMISSIONERS PRESENT: Chair Peter Chase
Vice-Chair Phyllis Metcalfe
Commissioner Margaret Bandel
Commissioner Bob Bundy
Commissioner Charles Lee

STAFF PRESENT: Adam Wolff, Planning Director
Phil Boyle, Senior Planner
Judith Propp, Assistant Town Attorney

1. **OPENING:**
 - A. **Call to Order** – The meeting was called to order at 7:00 p.m.
 - B. **Pledge of Allegiance** – Commissioner Chase led in the Pledge of Allegiance.
 - C. **Roll Call** – All the commissioners were present.
2. **PUBLIC COMMENT** - None
3. **CONSENT CALENDAR** – None
4. **CONTINUED HEARINGS** – None
5. **NEW HEARINGS** - None
6. **BUSINESS ITEMS**
 - A. **A. CANNABIS ORDINANCE DISCUSSION** – PRESENTATION AND DISCUSSION OF THE DEVELOPMENT OF A TOWN ORDINANCE REGULATING CANNABIS RELATED BUSINESSES AND PERSONAL CULTIVATION (Phil Boyle, Senior Planner)

Senior Planner Boyle presented the staff report. Mr. Boyle explained that the purpose of the discussions was to gain feedback from the commissioners and members of the public on a draft cannabis ordinance. He discussed information relating to the draft ordinance on the Town's website, including a public survey, and the process that should conclude with the adoption of an ordinance no later than September 2019.

Mr. Boyle discussed the main state laws relating to cannabis, the three main regulating jurisdictions, and the authority allowed by towns that includes the ability to prohibit or restrict medicinal and non-medicinal cannabis businesses.

Mr. Boyle discussed the Town's current rules that established a moratorium on cannabis businesses until September 19, 2019. Planning Director Wolff noted that the moratorium did not restrict the state's rules relating to other areas of cannabis, including the cultivation of plants for personal use.

Mr. Boyle discussed the Town's rules relating to the personal use of cannabis for residents of 21 years and older, including the cultivation and possession of cannabis. He said the prohibited personal uses of cannabis include the consumption of cannabis in a public place.

Mr. Boyle went on to discuss the types of cannabis activities the Town might want to consider, including types of licenses, delivery services, and personal cultivation. He noted that the Town could not prohibit indoor cultivation.

Mr. Boyle discussed the two recent cannabis workshops and he provided a summary of the public survey. Mr. Boyle also discussed the types of cannabis activities allowed in other jurisdictions such as non-storefront businesses. He said that staff is seeking direction relating to how activities should be addressed in the Town's ordinance, and Mr. Wolff noted that the commissioners might wish to consider certain locations for such businesses.

Mr. Boyle concluded the staff report with feedback from jurisdictions that had implemented rules on cannabis dispensaries, and Mr. Wolff discussed the next steps in the process towards the development of an ordinance.

In response to Commissioner Bundy, Mr. Boyle confirmed that the Town held no jurisdiction over the cultivation of indoor plants, and that complaints would be addressed as a code enforcement issue. Mr. Boyle said that staff would need to confirm the state's rules relating to the cultivation of cannabis plants and distances from schools.

Commissioner Bundy and Mr. Boyle discussed conditional use permits in relation to stores, delivery services and manufacturing.

Commissioner Lee requested an analysis of retail operation sizes. He also asked staff to ascertain from Town Center and The Village management if they have been approached by a cannabis business, or if they have an opinion on entertaining such a business. Commissioner Lee discussed tax implications on commercial businesses with Mr. Wolff, and rules relating to plant growth in apartments and condos.

In response to Commissioner Lee, Mr. Boyle discussed Larkspur's regulations relating to deliveries and the restriction of cannabis cultivation to indoors.

In response to Commissioner Bandel, Mr. Wolff explained that staff would use input from the community, other agencies, and the commissioners, to make a recommendation to the Town Council. He noted that the Town Council will make the final decision on the ordinance.

Counselor Propp confirmed that the Town Council is the Town's elected body that directs staff, and that staff will make recommendations for their consideration before drafting an ordinance.

In response to Commissioner Bandel, Mr. Boyle confirmed that specific outreach has not been made to the Fire and Police Departments, or to personnel in the medical field. Mr. Wolff noted that the Town Council would provide such direction, and that public input during the workshops included individuals from the medical industry.

Vice-Chair Metcalfe requested information on restrictions for outdoor and indoor cultivation in Marin cities and towns where they are applied. She discussed the reasons she believed that the two shopping centers would be unsuitable for cannabis businesses.

In response to Commissioner Lee, Mr. Boyle said that there are licensing categories that relate to the size of commercial indoor cultivation, which the Town could consider. Counselor Propp discussed the state's licensing categories that apply to commercial cannabis businesses.

Chair Chase and Mr. Boyle discussed the benefits of medicinal marijuana cards since recreational marijuana has been legalized.

Chair Chase opened the public comment period.

Karen Gerbosi, 111 Parkview Circle, stated that it is not the Town's job to ensure there is a place for residents to buy marijuana. Ms. Gerbosi also sought clarification on the size of manufacturing facilities allowed by the state, and she discussed problems she foresees if the Town defaults to the size she believed the state allows.

In response, Mr. Boyle said staff would clarify state rules relating to the size of manufacturing facilities, and he noted that the Town could restrict cannabis businesses to certain zoning districts.

Linda Henn, former Corte Madera resident, asked the Town to consider crime data related to cannabis use, and she discussed the impact of cannabis on public health. Ms. Henn discussed the issue related to there being no standards in place for retail or DUI testing.

Brian Igersheim, Birch Avenue, stated that the majority of residents in town supported the state law that legalized marijuana, and that it should be taxed and regulated in a similar way to alcohol and tobacco with similar restrictions.

Jasmine Garrity, former resident of Corte Madera, discussed the problems of cannabis use by the youth in Marin, and she asked the Town to consider buffer zones for cannabis businesses. Ms. Garrity said she encouraged the Town to include laws to differentiate between medical and non-medical products and potency levels.

Jeremiah Mock, Corte Madera resident and public health researcher, discussed problems with people smoking weed in town parks, and the long-term effects of cannabis use on young people. Dr. Mock asked the Town to consider forming a commission of experts to provide advice, and he urged the town to educate the community on the potential harmful impacts of cannabis.

Don Carney, Fairfax resident and Director of Restorative Services, Marin Youth Court, stated that most cases he encountered related to marijuana. Mr. Carney said he would not want marijuana to be normalized, and he discussed its effects on kids. He said he opposed storefronts for the sale of marijuana.

Andrew Middleditch, psychiatrist and Corte Madera resident, said that he does not see any advantage of allowing the marijuana industry in the community. Dr. Middleditch discussed his concerns relating to the normalization of marijuana and the addictive and cognitive problems it causes.

Vice-Chair Metcalfe commented on her belief that a difference exists between medical and recreational marijuana, and the problem of the drug being sold on the street. She said that sales should be restricted to medical marijuana in office block locations whose plants are invisible from the exterior.

Chair Chase discussed information he has gathered in relation to the effects of marijuana on youth in the community. Chair Chase also discussed his belief that cannabis should not be normalized and that corporations should not be encouraged to establish marijuana businesses in the town. He cited lack of government-led studies, and evidence that cannabis causes medical problems, including schizophrenia. Chair Chase said the Town should limit cannabis rules to the minimum allowed by the state relating to delivery and cultivation.

Counselor Propp noted that the law does not require a city or town to offer a delivery service.

Commissioner Bandel discussed her belief the Town should not make marijuana easily available. She said that kids should not be exposed to marijuana establishments as they walk to and from school and that stores are inappropriate. Commissioner Bandel said she supports the suggestion that a committee is formed to investigate and present more information on marijuana, and gain particular input from the Police Department.

Commissioner Lee said that he did not advocate the normalization of marijuana, and that he would support an ordinance that incorporates the state minimum on its use. Commissioner Lee discussed a preference to decriminalize marijuana, but not

encourage it, and that he would allow delivery and access to the drug for medicinal purposes.

Mr. Boyle asked for clarification relating to the minimum standards the commissioners would recommend, such as restricting the growth of marijuana to indoor use and banning outdoor cultivation.

Commissioner Bundy discussed the limitations of medical marijuana studies, and said that, although he would not advocate the use of marijuana, he would support its legalization to encourage medical studies to ascertain its possible benefits. Commissioner Bundy discussed the problems of normalizing marijuana, which he said would attract youths as a way of making themselves feel better or cure their anxiety, for example. He discussed the reasons he does not like medical marijuana, noting that patients often seek a medical card in order not to be criminalized.

Commissioner Bundy stated that, over all, he is not opposed to a storefront for recreational or non-medical marijuana if the business is properly conditioned, which could be taxed and regulated. He expressed a hope that taxes would be spent alleviating the problems of the drug in a similar way taxes are used for tobacco and alcohol issues. Commissioner Bundy said that he would discourage the use of marijuana by children and excessive use by adults, but that it is less harmful than alcohol, tobacco and opioids.

In response to Chair Chase, Mr. Wolff confirmed that the town would only benefit financially from a delivery service if the business were based in the town.

The commissioners discussed delivery services and marijuana sales. There was general consensus amongst most of the commissioners that the Town should do as little as the state allows with a preference for keeping the moratorium in place and restricting growth to indoors.

Chair Chase announced at 5-minute break at 9:_____ p.m.

The commissioners resumed their seats and a motion was made by Vice-Chair Metcalfe, seconded by Commissioner Bundy, and unanimously passed to continue the meeting beyond 9:30 p.m. to complete the agenda.

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

i. Commissioners

Commissioner Bandel reported on the Town Council meeting of October 16th, during which Pauline Angleman's 110th birthday was celebrated. Other items discussed included a report by the Town Manager relating to the Corte Madera Fire Joint Powers

Agreement between the Town and Larkspur, a report on a homelessness committee, and a presentation by Solar Craft.

ii. Planning Director

Planning Director Wolff reminded the commissioners of the upcoming annual Sonoma State Commissioners Conference, and he discussed future meetings.

ii. Tentative Agenda Items for November 13, 2018 Planning Commission Meeting

(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)

A. 706 MEADOWSWEET DRIVE (THE EVERGREEN) – CONTINUED PUBLIC HEARING TO CONSIDER POSSIBLE ADOPTION OF A RESOLUTION APPROVING A CONDITIONAL USE PERMIT PL-2017-0092, MAJOR DESIGN REVIEW 15-009, SIGN PERMIT PL-2017-0093 FOR RENOVATION AND MAJOR MODIFICATIONS TO THE BUDGET INN LOCATED AT 706 MEADOWSWEET DRIVE.

B. 139 CORTE MADERA TOWN CENTER (JUST FOOD FOR DOGS) – SIGN PERMIT APPLICATION FOR AN ILLUMINATED SIGN, FACING THE WEST PARKING LOT, FOR JUST FOOD FOR DOGS.

C. REVIEW AND DISCUSSION OF POSSIBLE AMENDMENTS TO THE ZONING ORDINANCE TO ALLOW FOR INCREASED FLOOR AREA RATIO (FAR) FOR HOTELS

iv. Future Agenda Items

(PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE)

B. MINUTES

i. Planning Commission Meeting Minutes of September 11, 2018*

MOTION: Motioned by Vice-Chair Metcalfe, seconded by Commissioner _____, to approve the minutes of September 11, 2018:

AYES: Metcalfe, Bundy, Chase, Lee, Bandel

NOES: None

8. ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at _____ p.m.

Attachment 3
Business and Professions Code Section 26054 and
Health and Safety Code Section 11362.768

State of California

HEALTH AND SAFETY CODE

Section 11362.768

11362.768. (a) This section shall apply to individuals specified in subdivision (b) of Section 11362.765.

(b) No medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medicinal cannabis pursuant to this article shall be located within a 600-foot radius of a school.

(c) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot on which the medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider is to be located without regard to intervening structures.

(d) This section shall not apply to a medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider that is also a licensed residential medical or elder care facility.

(e) This section shall apply only to a medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider that is authorized by law to possess, cultivate, or distribute medicinal cannabis and that has a storefront or mobile retail outlet which ordinarily requires a local business license.

(f) Nothing in this section shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider.

(g) This section does not preempt local ordinances, adopted prior to January 1, 2011, that regulate the location or establishment of a medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider.

(h) For the purposes of this section, "school" means any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(Amended by Stats. 2017, Ch. 27, Sec. 138. (SB 94) Effective June 27, 2017.)



State of California

BUSINESS AND PROFESSIONS CODE

Section 26054

26054. (a) A licensee shall not sell alcoholic beverages or tobacco products on or at any premises licensed under this division.

(b) A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.

(c) It shall not be a violation of state or local law for a business engaged in the manufacture of cannabis accessories to possess, transport, purchase, or otherwise obtain small amounts of cannabis or cannabis products as necessary to conduct research and development related to the cannabis accessories, provided the cannabis and cannabis products are obtained from a person licensed under this division permitted to provide or deliver the cannabis or cannabis products.

(d) It shall not be a violation of state or local law for an agent of a licensing authority to possess, transport, or obtain cannabis or cannabis products as necessary to conduct activities reasonably related to the duties of the licensing authority.

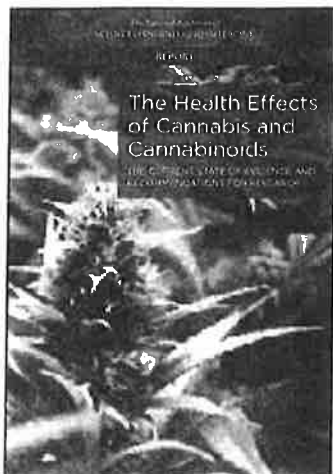
(Amended by Stats. 2017, Ch. 27, Sec. 38. (SB 94) Effective June 27, 2017. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

Attachment 4
Handouts provided by Planning Commission
Chair on October 23, 2018

THE HEALTH EFFECTS OF CANNABIS AND CANNABINOIDS

COMMITTEE'S CONCLUSIONS

January 2017



In the report *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*, an expert, ad hoc committee of the National Academies of Sciences, Engineering, and Medicine presents nearly 100 conclusions related to the health effects of cannabis and cannabinoid use.

The committee developed standard language to categorize the weight of the evidence regarding whether cannabis or cannabinoids used for *therapeutic* purposes are an effective or ineffective treatment for certain prioritized health conditions, or whether cannabis or cannabinoids used primarily for *recreational* purposes are statistically associated with certain prioritized health conditions. The box on the next page describes these categories and the general parameters for the types of evidence supporting each category.

The numbers in parentheses after each conclusion correspond to chapter conclusion numbers. Each blue header below links to the corresponding chapter in the report, providing much more detail regarding the committee's findings and conclusions. To read the full report, please visit nationalacademies.org/CannabisHealthEffects.

CONCLUSIONS FOR: THERAPEUTIC EFFECTS

There is conclusive or substantial evidence that cannabis or cannabinoids are effective:

- For the treatment for chronic pain in adults (cannabis) (4-1)
- Antiemetics in the treatment of chemotherapy-induced nausea and vomiting (oral cannabinoids) (4-3)
- For improving patient-reported multiple sclerosis spasticity symptoms (oral cannabinoids) (4-7a)

There is moderate evidence that cannabis or cannabinoids are effective for:

- Improving short-term sleep outcomes in individuals with sleep disturbance associated with obstructive sleep apnea syndrome, fibromyalgia, chronic pain, and multiple sclerosis (cannabinoids, primarily nabiximols) (4-19)

There is limited evidence that cannabis or cannabinoids are effective for:

- Increasing appetite and decreasing weight loss associated with HIV/AIDS (cannabis and oral cannabinoids) (4-4a)
- Improving clinician-measured multiple sclerosis spasticity symptoms (oral cannabinoids) (4-7a)
- Improving symptoms of Tourette syndrome (THC capsules) (4-8)
- Improving anxiety symptoms, as assessed by a public speaking test, in individuals with social anxiety disorders (cannabidiol) (4-17)
- Improving symptoms of posttraumatic stress disorder (nabilone; one single, small fair-quality trial) (4-20)

There is limited evidence of a statistical association between cannabinoids and:

- Better outcomes (i.e., mortality, disability) after a traumatic brain injury or intracranial hemorrhage (4-15)

There is limited evidence that cannabis or cannabinoids are ineffective for:

- Improving symptoms associated with dementia (cannabinoids) (4-13)
- Improving intraocular pressure associated with glaucoma (cannabinoids) (4-14)
- Reducing depressive symptoms in individuals with chronic pain or multiple sclerosis (nabiximols, dronabinol, and nabilone) (4-18)

DEFINITIONS OF WEIGHTS OF EVIDENCE

The committee used the following standardized language to categorize the weight of the evidence regarding cannabis or cannabinoid use for the prioritized health conditions:

CONCLUSIVE evidence

For therapeutic effects: There is strong evidence from randomized controlled trials to support the conclusion that cannabis or cannabinoids are an effective or ineffective treatment for the health endpoint of interest.

For other health effects: There is strong evidence from randomized controlled trials to support or refute a statistical association between cannabis or cannabinoid use and the health endpoint of interest.

For this level of evidence, there are many supportive findings from good-quality studies with no credible opposing findings. A firm conclusion can be made, and the limitations to the evidence, including chance, bias, and confounding factors, can be ruled out with reasonable confidence.

SUBSTANTIAL evidence:

For therapeutic effects: There is strong evidence to support the conclusion that cannabis or cannabinoids are an effective or ineffective treatment for the health endpoint of interest.

For other health effects: There is strong evidence to support or refute a statistical association between cannabis or cannabinoid use and the health endpoint of interest.

For this level of evidence, there are several supportive findings from good-quality studies with very few or no credible opposing findings. A firm conclusion can be made, but minor limitations, including chance, bias, and confounding factors, cannot be ruled out with reasonable confidence.

MODERATE evidence:

For therapeutic effects: There is some evidence to support the conclusion that cannabis or cannabinoids are an effective or ineffective treatment for the health endpoint of interest.

For other health effects: There is some evidence to support or refute a statistical association between cannabis or cannabinoid use and the health endpoint of interest.

For this level of evidence, there are several findings from good- to fair-quality studies with very few or no credible opposing findings. A general conclusion can be made, but limitations, including chance, bias, and confounding factors, cannot be ruled out with reasonable confidence.

LIMITED evidence:

For therapeutic effects: There is weak evidence to support the conclusion that cannabis or cannabinoids are an effective or ineffective treatment for the health endpoint of interest.

For other health effects: There is weak evidence to support or refute a statistical association between cannabis or cannabinoid use and the health endpoint of interest.

For this level of evidence, there are supportive findings from fair-quality studies or mixed findings with most favoring one conclusion. A conclusion can be made, but there is significant uncertainty due to chance, bias, and confounding factors.

NO or INSUFFICIENT evidence to support the association:

For therapeutic effects: There is no or insufficient evidence to support the conclusion that cannabis or cannabinoids are an effective or ineffective treatment for the health endpoint of interest.

For other health effects: There is no or insufficient evidence to support or refute a statistical association between cannabis or cannabinoid use and the health endpoint of interest.

For this level of evidence, there are mixed findings, a single poor study, or health endpoint has not been studied at all. No conclusion can be made because of substantial uncertainty due to chance, bias, and confounding factors.

There is no or insufficient evidence to support or refute the conclusion that cannabis or cannabinoids are an effective treatment for:

- Cancers, including glioma (cannabinoids) (4-2)
- Cancer-associated anorexia cachexia syndrome and anorexia nervosa (cannabinoids) (4-4b)
- Symptoms of irritable bowel syndrome (dronabinol) (4-5)
- Epilepsy (cannabinoids) (4-6)
- Spasticity in patients with paralysis due to spinal cord injury (cannabinoids) (4-7b)
- Symptoms associated with amyotrophic lateral sclerosis (cannabinoids) (4-9)
- Chorea and certain neuropsychiatric symptoms associated with Huntington's disease (oral cannabinoids) (4-10)
- Motor system symptoms associated with Parkinson's disease or the levodopa-induced dyskinesia (cannabinoids) (4-11)
- Dystonia (nabilone and dronabinol) (4-12)
- Achieving abstinence in the use of addictive substances (cannabinoids) (4-16)
- Mental health outcomes in individuals with schizophrenia or schizophreniform psychosis (cannabidiol) (4-21)

CONCLUSIONS FOR: CANCER

There is moderate evidence of no statistical association between cannabis use and:

- Incidence of lung cancer (cannabis smoking) (5-1)
- Incidence of head and neck cancers (5-2)

There is limited evidence of a statistical association between cannabis smoking and:

- Non-seminoma-type testicular germ cell tumors (current, frequent, or chronic cannabis smoking) (5-3)

There is no or insufficient evidence to support or refute a statistical association between cannabis use and:

- Incidence of esophageal cancer (cannabis smoking) (5-4)
- Incidence of prostate cancer, cervical cancer, malignant gliomas, non-Hodgkin lymphoma, penile cancer, anal cancer, Kaposi's sarcoma, or bladder cancer (5-5)
- Subsequent risk of developing acute myeloid leukemia/acute non-lymphoblastic leukemia, acute lymphoblastic leukemia, rhabdomyosarcoma, astrocytoma, or neuroblastoma in offspring (parental cannabis use) (5-6)

CONCLUSIONS FOR: CARDIOMETABOLIC RISK

There is limited evidence of a statistical association between cannabis use and:

- The triggering of acute myocardial infarction (cannabis smoking) (6-1a)
- Ischemic stroke or subarachnoid hemorrhage (6-2)
- Decreased risk of metabolic syndrome and diabetes (6-3a)
- Increased risk of prediabetes (6-3b)

There is no evidence to support or refute a statistical association between chronic effects of cannabis use and:

- The increased risk of acute myocardial infarction (6-1b)

CONCLUSIONS FOR: RESPIRATORY DISEASE

There is substantial evidence of a statistical association between cannabis smoking and:

- Worse respiratory symptoms and more frequent chronic bronchitis episodes (long-term cannabis smoking) (7-3a)
- There is moderate evidence of a statistical association between cannabis smoking and:
- Improved airway dynamics with acute use, but not with chronic use (7-1a)
- Higher forced vital capacity (FVC) (7-1b)

There is moderate evidence of a statistical association between the cessation of cannabis smoking and:

- Improvements in respiratory symptoms (7-3b)

There is limited evidence of a statistical association between cannabis smoking and:

- An increased risk of developing chronic obstructive pulmonary disease (COPD) when controlled for tobacco use (occasional cannabis smoking) (7-2a)

There is no or insufficient evidence to support or refute a statistical association between cannabis smoking and:

- Hospital admissions for COPD (7-2b)
- Asthma development or asthma exacerbation (7-4)

CONCLUSIONS FOR: IMMUNITY

There is limited evidence of a statistical association between cannabis smoking and:

- A decrease in the production of several inflammatory cytokines in healthy individuals (8-1a)

There is limited evidence of *no* statistical association between cannabis use and:

- The progression of liver fibrosis or hepatic disease in individuals with viral Hepatitis C (HCV) (daily cannabis use) (8-3)

There is no or insufficient evidence to support or refute a statistical association between cannabis use and:

- Other adverse immune cell responses in healthy individuals (cannabis smoking) (8-1b)
- Adverse effects on immune status in individuals with HIV (cannabis or dronabinol use) (8-2)
- Increased incidence of oral human papilloma virus (HPV) (regular cannabis use) (8-4)

CONCLUSIONS FOR: INJURY AND DEATH

There is substantial evidence of a statistical association between cannabis use and:

- Increased risk of motor vehicle crashes (9-3)

There is moderate evidence of a statistical association between cannabis use and:

- Increased risk of overdose injuries, including respiratory distress, among pediatric populations in U.S. states where cannabis is legal (9-4b)

There is no or insufficient evidence to support or refute a statistical association between cannabis use and:

- All-cause mortality (self-reported cannabis use) (9-1)
- Occupational accidents or injuries (general, non-medical cannabis use) (9-2)
- Death due to cannabis overdose (9-4a)

CONCLUSIONS FOR: PRENATAL, PERINATAL, AND NEONATAL EXPOSURE

There is substantial evidence of a statistical association between maternal cannabis smoking and:

- Lower birth weight of the offspring (10-2)

There is limited evidence of a statistical association between maternal cannabis smoking and:

- Pregnancy complications for the mother (10-1)
- Admission of the infant to the neonatal intensive care unit (NICU) (10-3)

There is insufficient evidence to support or refute a statistical association between maternal cannabis smoking and:

- Later outcomes in the offspring (e.g., sudden infant death syndrome, cognition/academic achievement, and later substance use) (10-4)

CONCLUSIONS FOR: PSYCHOSOCIAL

There is moderate evidence of a statistical association between cannabis use and:

- The impairment in the cognitive domains of learning, memory, and attention (acute cannabis use) (11-1a)

There is limited evidence of a statistical association between cannabis use and:

- Impaired academic achievement and education outcomes (11-2)
- Increased rates of unemployment and/or low income (11-3)
- Impaired social functioning or engagement in developmentally appropriate social roles (11-4)

There is limited evidence of a statistical association between *sustained abstinence from cannabis use* and:

- Impairments in the cognitive domains of learning, memory, and attention (11-1b)

CONCLUSIONS FOR: MENTAL HEALTH

There is substantial evidence of a statistical association between cannabis use and:

- The development of schizophrenia or other psychoses, with the highest risk among the most frequent users (12-1)

There is moderate evidence of a statistical association between cannabis use and:

- Better cognitive performance among individuals with psychotic disorders and a history of cannabis use (12-2a)
- Increased symptoms of mania and hypomania in individuals diagnosed with bipolar disorders (regular cannabis use) (12-4)
- A small increased risk for the development of depressive disorders (12-5)
- Increased incidence of suicidal ideation and suicide attempts with a higher incidence among heavier users (12-7a)
- Increased incidence of suicide completion (12-7b)
- Increased incidence of social anxiety disorder (regular cannabis use) (12-8b)

There is moderate evidence of no statistical association between cannabis use and:

- Worsening of negative symptoms of schizophrenia (e.g., blunted affect) among individuals with psychotic disorders (12-2c)

There is limited evidence of a statistical association between cannabis use and:

- An increase in positive symptoms of schizophrenia (e.g., hallucinations) among individuals with psychotic disorders (12-2b)
- The likelihood of developing bipolar disorder, particularly among regular or daily users (12-3)
- The development of any type of anxiety disorder, except social anxiety disorder (12-8a)
- Increased symptoms of anxiety (near daily cannabis use) (12-9)
- Increased severity of posttraumatic stress disorder symptoms among individuals with posttraumatic stress disorder (12-11)

There is no evidence to support or refute a statistical association between cannabis use and:

- Changes in the course or symptoms of depressive disorders (12-6)
- The development of posttraumatic stress disorder (12-10)

CONCLUSIONS FOR: PROBLEM CANNABIS USE

There is substantial evidence that:

- Stimulant treatment of attention deficit hyperactivity disorder (ADHD) during adolescence is *not* a risk factor for the development of problem cannabis use (13-2e)
- Being male and smoking cigarettes are risk factors for the progression of cannabis use to problem cannabis use (13-2i)
- Initiating cannabis use at an earlier age is a risk factor for the development of problem cannabis use (13-2j)

There is substantial evidence of a statistical association between:

- Increases in cannabis use frequency and the progression to developing problem cannabis use (13-1)
- Being male and the severity of problem cannabis use, but the recurrence of problem cannabis use does not differ between males and females (13-3b)

There is moderate evidence that:

- Anxiety, personality disorders, and bipolar disorders are *not* risk factors for the development of problem cannabis use (13-2b)
- Major depressive disorder is a risk factor for the development of problem cannabis use (13-2c)
- Adolescent ADHD is *not* a risk factor for the development of problem cannabis use (13-2d)
- Being male is a risk factor for the development of problem cannabis use (13-2f)
- Exposure to the combined use of abused drugs is a risk factor for the development of problem cannabis use (13-2g)
- Neither alcohol nor nicotine dependence alone are risk factors for the progression from cannabis use to problem cannabis use (13-2h)
- During adolescence the frequency of cannabis use, oppositional behaviors, a younger age of first alcohol use, nicotine use, parental substance use, poor school performance, antisocial behaviors, and childhood sexual abuse are risk factors for the development of problem cannabis use (13-2k)

There is moderate evidence of a statistical association between:

- A persistence of problem cannabis use and a history of psychiatric treatment (13-3a)
- Problem cannabis use and increased severity of posttraumatic stress disorder symptoms (13-3c)

There is limited evidence that:

- Childhood anxiety and childhood depression are risk factors for the development of problem cannabis use (13-2a)

CONCLUSIONS FOR: ABUSE OF OTHER SUBSTANCES

There is moderate evidence of a statistical association between cannabis use and:

- The development of substance dependence and/or substance abuse disorder for substances including alcohol, tobacco, and other illicit drugs (14-3)

There is limited evidence of a statistical association between cannabis use and:

- The initiation of tobacco use (14-1)
- Changes in the rates and use patterns of other licit and illicit substances (14-2)

CONCLUSIONS FOR: CHALLENGES AND BARRIERS IN CONDUCTING CANNABIS AND CANNABINOID RESEARCH

There are several challenges and barriers in conducting cannabis and cannabinoid research, including:

- There are specific regulatory barriers, including the classification of cannabis as a Schedule I substance, that impede the advancement of cannabis and cannabinoid research (15-1)
- It is often difficult for researchers to gain access to the quantity, quality, and type of cannabis product necessary to address specific research questions on the health effects of cannabis use (15-2)
- A diverse network of funders is needed to support cannabis and cannabinoid research that explores the beneficial and harmful effects of cannabis use (15-3)
- To develop conclusive evidence for the effects of cannabis use for short- and long-term health outcomes, improvements and standardization in research methodology (including those used in controlled trials and observational studies) are needed (15-4)

TO READ THE FULL REPORT AND VIEW RELATED RESOURCES, PLEASE VISIT
[NATIONALACADEMIES.ORG/CANNABISHEALTHEFFECTS](https://www.nationalacademies.org/cannabishealtheffects)

Marijuana: How Can It Affect Your Health?

Marijuana is the most commonly used illegal drug in the United States, with 37.6 million users in the past year,¹ and marijuana use may have a wide range of health effects on the body and brain. Click on the sections below to learn more about how marijuana use can affect your health.

ADDICTION

About 1 in 10 marijuana users will become addicted. For people who begin using before the age of 18, that number rises to 1 in 6.¹⁻³

Some of the signs that someone might be addicted include:

- Unsuccessful efforts to quit using marijuana.
- Giving up important activities with friends and family in favor of using marijuana.
- Using marijuana even when it is known that it causes problems fulfilling everyday jobs at home, school or work.⁴

People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning. Some people who are addicted need to smoke more and more marijuana to get the same high. It is also important to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user.⁵ Researchers do not yet know the full extent of the consequences when the body and brain (especially the developing brain) are exposed to high concentrations of THC or how recent increases in potency affect the risk of someone becoming addicted.⁵

References

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BRAIN HEALTH

Marijuana use directly affects the brain — specifically the parts of the brain responsible for memory, learning, attention, decision making, coordination, emotions, and reaction time.¹

What are the short-term effects of marijuana on the brain?

Heavy users of marijuana can have short-term problems with attention, memory, and learning, which can affect relationships and mood.

What are the long-term effects of marijuana on the brain?

Marijuana also affects brain development. When marijuana users begin using as teenagers, the drug may reduce attention, memory, and learning functions and affect how the brain builds connections between the areas necessary for these functions.

Marijuana's effects on these abilities may last a long time or even be permanent. This means that someone who uses marijuana may not do as well in school and may have trouble remembering things.¹⁻³

The impact depends on many factors and is different for each person. It also depends on the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength), how often it is used, the age of first use, and whether other substances (e.g., tobacco and alcohol) are used at the same time.

Marijuana and the developing brain

Developing brains, like those in babies, children, and teenagers are especially susceptible to the hurtful effects of marijuana. Although scientists are still learning about these effects of marijuana on the developing brain, studies show that marijuana use by mothers during pregnancy may be linked to problems with attention, memory, problem-solving skills, and behavior problems in their children.³⁻⁷

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CANCER

Marijuana and cannabinoids (the active chemicals in marijuana that cause drug-like effects throughout the body, including the central nervous system and the immune system). The main active cannabinoid in marijuana is delta-9-THC. Another active cannabinoid is cannabidiol (CBD), which may relieve pain and lower inflammation without causing the "high" of delta-9-THC. Although marijuana and cannabinoids have been studied with respect to managing side effects of cancer and cancer therapies, there are no ongoing clinical trials of marijuana or cannabinoids in treating cancer in people.⁹ Studies so far have not shown that cannabinoids help control or cure the disease.² And like many other drugs, marijuana can cause side effects and complications.

Relying on marijuana alone as treatment or for managing side effects while avoiding or delaying conventional medical care for cancer may have serious health consequences.²

How can marijuana affect symptoms of cancer?

Studies of man-made forms of the chemicals found in the marijuana plant can be helpful in treating nausea and vomiting from cancer chemotherapy.¹ Studies have found that marijuana can be helpful in treating neuropathic pain (pain caused by damaged nerves).¹

At this time, there is not enough evidence to recommend that patients inhale or ingest marijuana as a treatment for cancer-related symptoms or side effects of cancer therapy.

Is there a link between marijuana and cancer?

Smoked marijuana delivers THC and other cannabinoids to the body, but it also delivers harmful substances to users and those close by, including many of the same substances found in tobacco smoke, which are harmful to the lungs and cardiovascular system.³

Researchers have found limited evidence of an association between current, frequent, or chronic marijuana smoking and testicular cancer (non-seminoma-type).⁴

Because marijuana plants come in different strains with different levels of active chemicals, it can make each user's experience very hard to predict. More research is needed to understand the full impact of marijuana use on cancer.

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CHRONIC PAIN

Even though pain management is one of the most common reasons people use medical marijuana in the U.S., there is limited evidence that marijuana works to treat most types of chronic pain.

A few studies have found that marijuana can be helpful in treating neuropathic pain (pain caused by damaged nerves).¹ However, more research is needed to know if marijuana is any better or any worse than other options for managing chronic pain.

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HEART HEALTH

Using marijuana makes the heart beat faster.¹ It could also lead to increased risk of stroke and heart disease.²⁻⁶ However, most of the scientific studies linking marijuana to heart attacks and strokes are based on reports from people who smoked it. Smoked marijuana delivers THC and other cannabinoids to the body, but it also delivers harmful substances to users and those close by, including many of the same substances found in tobacco smoke, which are harmful to the lungs and cardiovascular system.³ So it's hard to separate the effects of the compounds in marijuana on the cardiovascular system from the hazards posed by the irritants and other chemicals contained in the smoke. More research is needed to understand the full impact of marijuana use on the circulatory system to determine if marijuana use leads to higher risk of death from these causes.

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LUNG HEALTH

How marijuana affects lung health is determined by how it's consumed. In many cases, marijuana is smoked in the form hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels.¹⁻² Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke.³ Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production.⁴⁻⁸ These symptoms generally improve when marijuana smokers quit.⁹⁻¹⁰

Secondhand marijuana smoke

The known health risks of secondhand exposure to cigarette smoke—to the heart or lungs, for instance—raise questions about whether secondhand exposure to marijuana smoke poses similar health risks. While there is very little data on the health consequences of breathing secondhand marijuana smoke, there is concern that it could cause harmful health effects, including among children.

Recent studies have found strong associations between those who said there was someone in the home who used marijuana or a caretaker who used marijuana and the child having detectable levels of THC — the psychoactive ingredient in marijuana.^{5,11} Children exposed to the psychoactive compounds in marijuana are potentially at risk for negative health effects, including developmental problems for babies whose mothers used marijuana while pregnant.⁸ Other research shows that marijuana use during adolescence can impact the developing teenage brain and cause problems with attention, motivation, and memory.¹²

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MENTAL HEALTH

Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation, and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. ¹

Marijuana users are significantly more likely than nonusers to develop temporary psychosis (not knowing what is real, hallucinations and paranoia) and long-lasting mental disorders, including schizophrenia (a type of mental illness where people might see or hear things that aren't really there). ²

Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

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POISONING

Edibles, or food and drink products infused with marijuana and eaten, have some different risks than smoking marijuana, including a greater risk of poisoning. Unlike smoked marijuana, edibles can:

- Take from 30 minutes to 2 hours to take effect. So some people eat too much, which can lead to poisoning and/or serious injury.
- Cause effects that last longer than expected depending on the amount, the last food eaten, and medications or alcohol used at the same time.
- Be very difficult to measure. The amount of THC, the active ingredient in marijuana, is very difficult to measure and is often unknown in edible products. Many users can be caught off-guard by the strength and long-lasting effects of edibles.

It is also important to remember that marijuana affects children differently than adults. Since marijuana has become legal in some states, children have accidentally eaten marijuana products that looked like candy and treats, which made them sick enough to need emergency medical care.³

If you use marijuana products, keep them in childproof containers and out of the reach of children. For additional questions, you can contact your health care provider, your health department, the [Poison Helpline](#) at 1-800-222-1222, or 911 if it's an emergency.

RISK OF USING OTHER DRUGS

The concept of marijuana as a "gateway drug"—where using marijuana leads a person to use other drugs—generates a lot of disagreement. Researchers haven't found a definite answer yet.¹⁻² However, most people who use marijuana do not go on to use other, "harder" drugs.¹

It is important to remember that people of any age, sex, or economic status can become addicted to marijuana or other drugs. Things that can affect the likelihood of substance use include:

- Family history.
- Having another mental health illness (such as anxiety or depression).
- Peer pressure.
- Loneliness or social isolation.
- Lack of family involvement.
- Drug availability.
- Socioeconomic status.²

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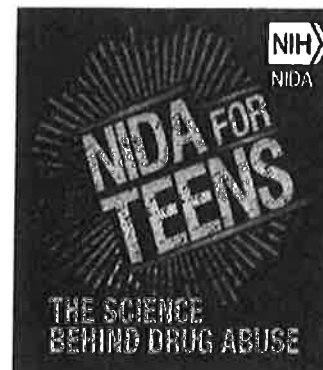
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About the Survey

The Substance Abuse and Mental Health Services Administration (SAMHSA) conducts the annual National Survey on Drug Use and Health (NSDUH), a major source of information on substance use, abuse, and dependence among Americans 12 years and older. Survey respondents report whether they have used specific substances ever in their lives (lifetime), over the past year, and over the past month (also referred to as "current use"). Most analyses focus on past-month use.

The following are facts and statistics on substance use in the United States in 2013, the most recent year for NSDUH survey results. Approximately 67,800 people responded to the survey in 2013.

Additional Drug Facts



Other Articles of Interest



(K2/Spice)
 Synthetic Cathinones
 ("Bath Salts")
**Effects of Drug
 Use**

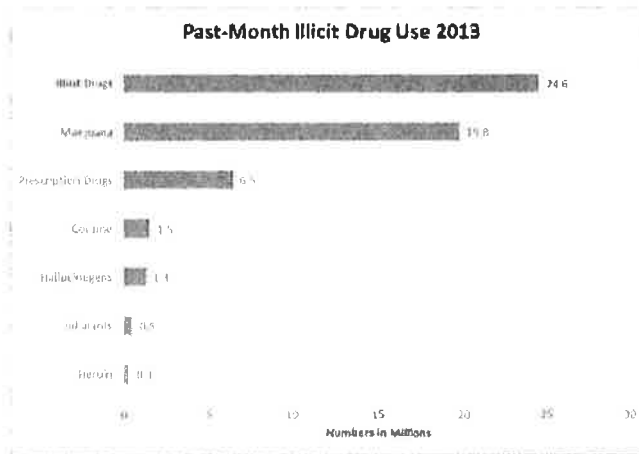
Comorbidity: Substance
 Use Disorders and Other
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Drug Use and Viral
 Infections (HIV,
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Drugged Driving
Understanding Drug Use
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Survey: High School and
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Nationwide Trends
**Prevention and
 Treatment**

Lessons from Prevention
 Research
Substance Abuse in the
 Military
Treatment Approaches
 for Drug Addiction

Illicit Drug Use*

Illicit drug use in the United States has been increasing. In 2013, an estimated 24.6 million Americans aged 12 or older—9.4 percent of the population—had used an illicit drug in the past month. This number is up from 8.3 percent in 2002. The increase mostly reflects a recent rise in use of marijuana, the most commonly used illicit drug.



Marijuana use has increased since 2007. In 2013, there were 19.8 million current users—about 7.5 percent of people aged 12 or older—up from 14.5 million (5.8 percent) in 2007.

Use of most drugs other than marijuana has stabilized over the past decade or has

NIDA Notes

Switching to Reduced-Nicotine Cigarettes May Aid in Quitting Smoking

E-Cigarettes Promote Smoking Progression in Youth and Depress Quitting Among Adults

Nora's Blog

Recent Research Sheds New Light on Why Nicotine is So Addictive

NIH Partners with the Dental Community to Help Curb the Opioid Crisis

Science Highlight

Research suggests benzodiazepine use is high while use disorder rates are low

Immediate switch to low levels of nicotine in cigarettes more effective than a gradual reduction

declined. In 2013, 6.5 million Americans aged 12 or older (or 2.5 percent) had used prescription drugs nonmedically in the past month. Prescription drugs include pain relievers, tranquilizers, stimulants, and sedatives. And 1.3 million Americans (0.5 percent) had used hallucinogens (a category that includes ecstasy and LSD) in the past month.

Cocaine use has gone down in the last few years. In 2013, the number of current users aged 12 or older was 1.5 million. This number is lower than in 2002 to 2007 (ranging from 2.0 million to 2.4 million).

Methamphetamine use was higher in 2013, with 595,000 current users, compared with 353,000 users in 2010.

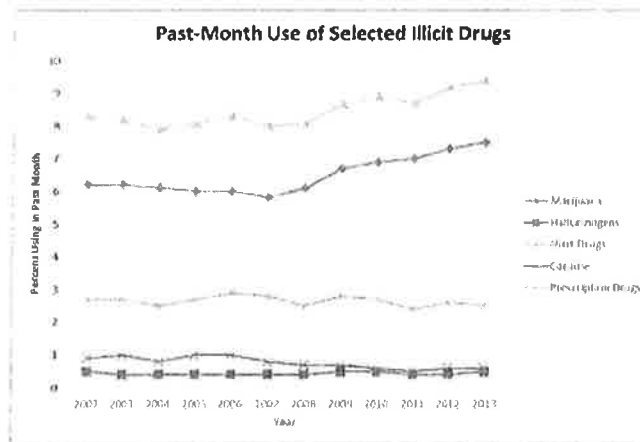
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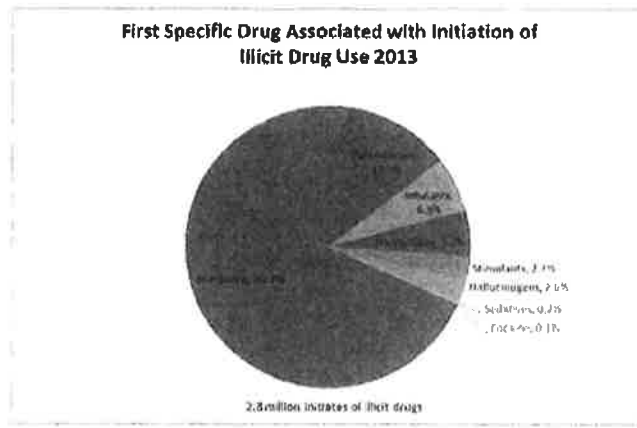
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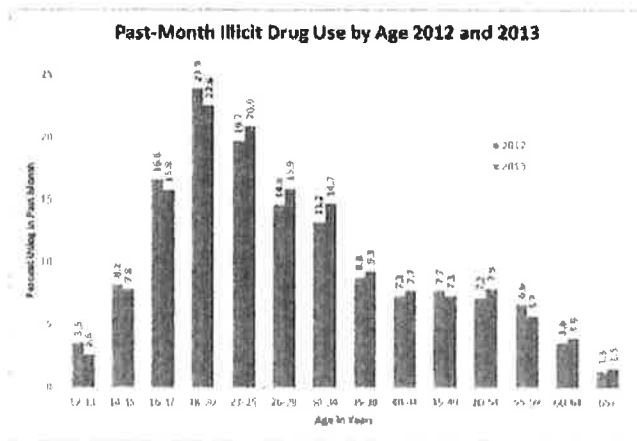


Most people use drugs for the first time when they are teenagers. There were just over 2.8 million new users of illicit drugs in 2013, or about 7,800 new users per day. Over half (54.1 percent) were under 18 years of age.

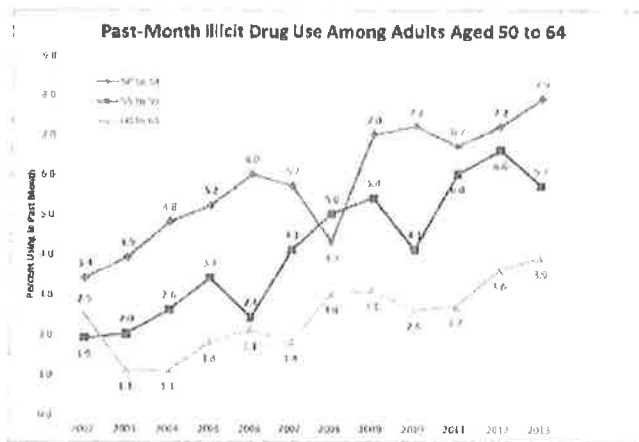
More than half of new illicit drug users begin with marijuana. Next most common are prescription pain relievers, followed by inhalants (which is most common among younger teens).



Drug use is highest among people in their late teens and twenties. In 2013, 22.6 percent of 18- to 20-year-olds reported using an illicit drug in the past month.



Drug use is increasing among people in their fifties and early sixties. This increase is, in part, due to the aging of the baby boomers, whose rates of illicit drug use have historically been higher than those of previous generations.



Alcohol

Drinking by underage persons (ages 12 to 20) has declined. Current alcohol use by this age group declined from 28.8 to 22.7 percent between 2002 and 2013, while binge drinking declined from 19.3 to 14.2 percent and the rate of heavy drinking went from 6.2 to 3.7 percent. [±]

Binge and heavy drinking are more widespread among men than women. In 2013, 30.2 percent of men and 16.0 percent of women 12 and older reported binge drinking in the past month. And 9.5 percent of men and 3.3 percent of women reported heavy alcohol use.

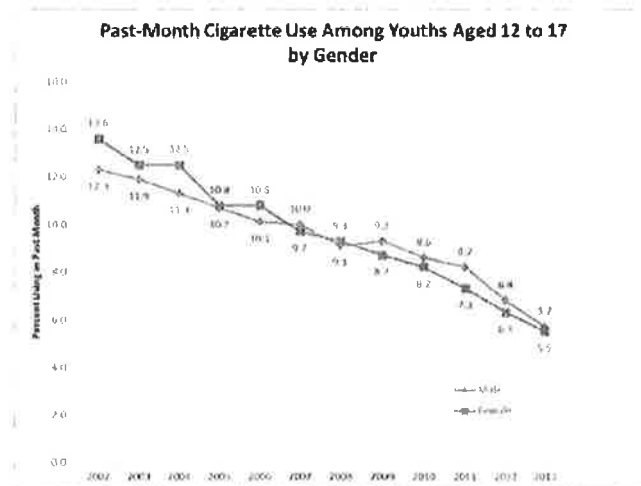
Driving under the influence of alcohol has also declined slightly. In 2013, an estimated 28.7 million people, or 10.9 percent of persons aged 12 or older, had driven under the influence of alcohol at least once in the past year, down from 14.2 percent in 2002. Although this decline is encouraging, any driving under the influence remains a cause for concern.

Tobacco

Fewer Americans are smoking. In 2013, an estimated 55.8 million Americans aged 12 or older, or 21.3 percent of the population, were current

cigarette smokers. This reflects a continual but slow downward trend from 2002, when the rate was 26 percent.

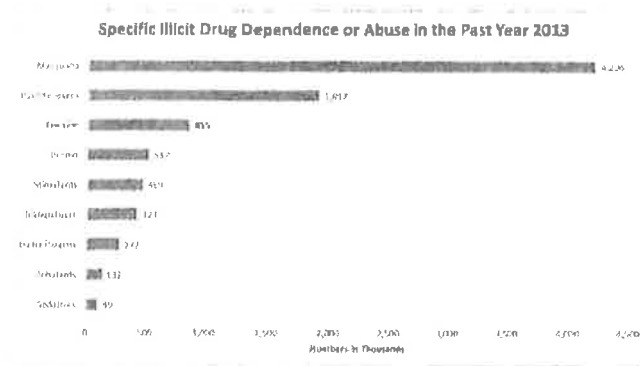
Teen smoking is declining more rapidly. The rate of past-month cigarette use among 12- to 17-year-olds went from 13 percent in 2002 to 5.6 percent in 2013.



Substance Dependence/Abuse and Treatment

Rates of alcohol dependence/abuse declined from 2002 to 2013. In 2013, 17.3 million Americans (6.6 percent of the population) were dependent on alcohol or had problems related to their alcohol use (abuse). This is a decline from 18.1 million (or 7.7 percent) in 2002.

After alcohol, marijuana has the highest rate of dependence or abuse among all drugs. In 2013, 4.2 million Americans met clinical criteria for dependence or abuse of marijuana in the past year—more than twice the number for dependence/abuse of prescription pain relievers (1.9 million) and nearly five times the number for dependence/abuse of cocaine (855,000).



There continues to be a large "treatment gap" in this country. In 2013, an estimated 22.7 million Americans (8.6 percent) needed treatment for a problem related to drugs or alcohol, but only about 2.5 million people (0.9 percent) received treatment at a specialty facility.

**Note that the terms dependence and abuse as used in the NSDUH are based on diagnostic categories used in the Fourth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV); in the newly published Fifth Edition (DSM-V), those categories have been replaced by a single Substance Use Disorder spectrum.*

Learn More

For complete NSDUH findings, visit:

www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NSDUHresults2013.htm#3.1.2

For more information about drug use among adolescents, visit:

www.drugabuse.gov/publications/drugfacts/high-school-youth-trends

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* "Illicit" refers to use of illegal drugs, including marijuana according to federal law, and misuse of prescription drugs.

† Binge drinking is five or more drinks on the same occasion. Heavy drinking is binge drinking on at least five separate days in the past month.

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Rebecca Vaughn

From: Rogers, Loretta <LRogers@marincounty.org>
Sent: Tuesday, December 04, 2018 2:01 PM
To: Bob Ravasio; James Andrews; Rebecca Vaughn; Sloan Bailey; Eli Beckman; David Kunhardt
Cc: Willis, Matthew
Subject: Letter to Town Council re Local Cannabis Ordinance
Attachments: CannabisLtrTownCouncil-04DEC18.pdf

Members of the Corte Madera Town Council:

Attached please find a letter from Dr. Matthew D. Willis, Public Health Officer for Marin County, regarding local cannabis ordinances.

Let me know if you have any questions.

Thank you.

Loretta Rogers
Administrative Assistant to
Matthew D. Willis, MD, MPH
Public Health Officer
County of Marin
3240 Kerner Blvd.
San Rafael, CA 94901
Tel: 415-473-4163

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DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



December 4, 2018

Grant Nash Colfax, MD
DIRECTOR

Town Council Members

Matthew Willis, MD, MPH
PUBLIC HEALTH OFFICER

Re: Local cannabis ordinance

Lisa M. Santora, MD, MPH
DEPUTY PUBLIC HEALTH OFFICER

Dear Members:

3240 Kerner Boulevard
San Rafael, CA 94901
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415 473 2326 F
415 473 3232 TTY
www.marincounty.org/hhs

As we consider our local response to the legalization of cannabis, I'm writing to share information that may help in the development of local cannabis ordinances and to provide the ordinance adopted by the Marin County Board of Supervisors as a model to consider.

I share your experience of public discourse around cannabis, with strongly held and widely divergent opinions among our residents. Unfortunately, due to Federal prohibitions on cannabis research, these conversations are not guided by strong scientific understanding.

As Public Health Officer and as a physician, I believe health considerations are vital in informing choices around access to medicinal products. In 2017, I offered the County of Marin Supervisors a summary of the emerging evidence of the health impacts of cannabis, both positive and negative, to inform the development of the County ordinance. I shared the results of the 2017 National Academies of Sciences report, *Health Effects of Cannabis and Cannabinoids: Current State of Evidence and Recommendations for Research*. This comprehensive review of existing evidence can be summarized in a few key findings.

The National Academies found evidence for benefit of cannabis in treating some medical conditions, including forms of chronic pain. The researchers also found substantial evidence for cannabis harms, including increased risk for motor vehicle accidents, dependence with regular use, impaired cognition and academic performance among young people, and increased risk of early onset schizophrenia with regular use. The report also called for renewed support for cannabis research, citing a lack of studies that could verify its safety and efficacy.

I know that we share the goal of thriving and healthy communities and that each jurisdiction will navigate these choices differently. I thought it was important to share emerging scientific evidence that raises serious public health concerns, especially for youth. My hope is that you can take this into account as you consider the timing and scope of cannabis policies.

In November 2017, County of Marin Supervisors unanimously approved the Medicinal Cannabis Delivery-Only Retailer (MCDORe) licensing ordinance, limiting commercial activity to delivery-only medicinal cannabis businesses in unincorporated 310

areas. MCDORe can serve as a model for jurisdictions seeking to enhance access to cannabis, while allowing due time for further research on the health impacts of cannabis.

As always, thank you for your leadership in creating healthy communities. Please feel free to contact me with any questions.

Sincerely,



Matt

*Matthew Willis, MD MPH
Public Health Officer
County of Marin
Department of Health and Human Services
3240 Kerner Blvd
San Rafael, CA, 94901
415-473-4163
mwillis@marincounty.org*

Rebecca Vaughn

From: Linda Henn <linda@thecoalitionconnection.com>
Sent: Friday, November 30, 2018 10:33 AM
To: Bob Ravasio; James Andrews; Sloan Bailey; Eli Beckman; David Kunhardt
Cc: Rebecca Vaughn; Phil Boyle
Subject: Town Council Meeting
Attachments: Corte Madera Cannabis Ordinance1.pdf

Attached please find a letter from The Coalition Connection with information that may help you with the complex topics for cannabis ordinance decisions for Corte Madera.

Please let me know if you have any questions.

Thank you,

Linda Henn
Project Coordinator
The Coalition Connection
thecoalitionconnection.com
linda@thecoalitionconnection.com
415-533-8366

November 30, 2018

Corte Madera Town Councilmembers
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Re: Local cannabis ordinance

Dear Councilmembers:

We are writing to share some information for your consideration as you develop your local cannabis ordinance, and to provide you with the ordinance adopted by the Marin County Board of Supervisors which we at The Coalition Connection believe can serve as a model for a cannabis ordinance in Corte Madera and other jurisdictions in Marin County. As you make decisions for Corte Madera around this complex and important topic we want to aid you with information. It is difficult to sift through all that is out there. We hope this will be helpful to you.

Cannabis use is first and foremost a public health issue. The County of Marin recognizes that there is evidence of some medicinal benefits of cannabis use for certain people with specific conditions, including treatment of chronic pain, and treatment for nausea and vomiting caused by chemotherapy.

However, research has shown that cannabis use poses a serious public health risk for the general population, and particularly for youth. Studies have shown that long-term use of cannabis can lead to dependence and addiction, particularly for those who start using cannabis in early adolescence. Cannabis use has also been shown to impact the developing brain which does not reach full maturity until about age 25. Adolescents who use cannabis at low and infrequent levels can suffer from delayed memory recall and problems with perceptual reasoning (i.e., the ability to think and reason using visual information). Adolescents can also suffer lasting effects of impaired working memory and reduced inhibitory control (i.e., the inability to control impulses and restrain responses to stimulus). Conclusive evidence has shown that adolescents who use cannabis on a long-term basis are at higher risk of developing psychosis or schizophrenia. Long-term use can result in chronic respiratory problems in youth and adults. Children who are exposed to secondhand cannabis smoke are at risk of respiratory effects from such exposure. It is important to note that nearly all studies conducted to date have not assessed the risks of using newly available high-potency cannabis products marketed for recreational use, namely cannabis oils and crystalline concentrates for dabbing with up to 99% THC content.

Studies have shown that when affluent, upper-middle-class, and minority youth perceive cannabis and other drug use to be normative and easily accessible, they are at greater risk of developing dependence.

Cannabis use is also a public safety risk. Short-term use impairs driving and increases the risk of motor vehicle accidents, and traffic-related injuries and deaths. Additionally, studies have shown that the presence of storefront cannabis dispensaries can result in increased property crime in adjacent areas. In California and throughout the nation, cannabis businesses have been targeted for burglary because they often have large amounts of cash on hand and valuable merchandise. Additionally, in some jurisdictions, legalization has spurred illegal cannabis outlets as people attempt to cash in on more permissive community conditions.

The cannabis industry in California and nationally is highly capitalized and expanding rapidly. Aggressive market forces see Marin County, due to the long history of marijuana use, as a prime target market.

The post-legalization experience in Washington State raises red flags. Washington State legalized recreational use in 2012 with stores opening mid 2014. The first post-legalization Washington State Health Youth Survey conducted in 2016 showed that about one in five 8th graders, one in three 10th graders, and almost half (45%) of 12th graders perceived no/slight risk to regular use. Half (51%) of 12th graders who reported using marijuana in the past 30 days reported driving within three hours of using marijuana at least once in the past 30 days.

Prior to legalization, many Tamalpais District students already perceived cannabis use to be harmless: 57% of 9th graders and 72% of 11th graders perceived there to be slight to no harm from smoking marijuana occasionally. Legalization will likely increase these perceptions of harmlessness, and experience shows that increased availability will likely lead to increased use among teens.

For these reasons, the Marin County Department of Health and Human Services advised the Board of Supervisors to act out of an abundance of caution. After extensive consideration, on November 14, 2017, the Board unanimously approved a cannabis ordinance limiting commercial activity to delivery-only medicinal cannabis businesses in unincorporated Marin County. The Medicinal Cannabis Delivery-Only Retailer (MCDORe) licensing ordinance establishes a regulatory framework and local delivery options for patients to safely access medicinal cannabis. The ordinance requires a retailer to be closed to the public and dispense medicinal cannabis exclusively by delivery. Retailers must be located at least 600 feet from schools, day-care centers, youth centers and playgrounds.

Prevention throughout Marin County is important. We believe that the County ordinance serves as a model for all other jurisdictions in Marin County so that the people of Marin, particularly our children, teens and young adults, will be protected by a uniform standard. Jurisdictions that adopt less restrictive ordinances will not only increase accessibility to cannabis for their own residents, but also increase access for those living in neighboring jurisdictions. We encourage you to adopt the standard of the MCDORe ordinance. The language of the County MCDORe can be found at:

<https://www.marincounty.org/-/media/files/maringov/main/medicalcannabis/bos-111417/mcdoreord3678mcc590.pdf?la=en>

Please feel free to contact The Coalition Connection should you wish to ask any questions or require assistance.

Sincerely,

The Coalition Connection
Data and Evaluation Team
Linda Henn
Kelsey Fernandez
Jeremiah Mock
Holley Shafer

Rebecca Vaughn

From: Phil Boyle
Sent: Monday, December 03, 2018 9:50 AM
To: Teresa Stricker; Todd Cusimano
Cc: Rebecca Vaughn
Subject: FW: Handout for public and Council members
Attachments: Assembly of quotes.docx; Assembly of quotes.pdf; Cannabis-report-highlights.pdf

More information from Peter Chase.

Phil

Phil Boyle
Senior Planner
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94976-0159
(415)927-5067
pboyle@tcmmail.org

From: Peter Chase [mailto:pc@vanacker.com]
Sent: Friday, November 30, 2018 5:45 PM
To: Adam Wolff; Phil Boyle
Subject: Handout for public and Council members

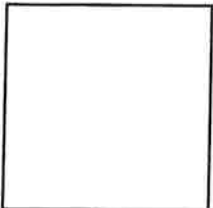
Cannabis information from National Academy of Science report on health effects January 2017

I will send further information.

--

Thank you,

Peter Chase



Peter Chase
Office: 415-384-2361 | Mobile: 415-298-0037

National Academy of Sciences

This report is now available and can be downloaded as a free pdf at:
nationalacademies.org/CannabisHealthEffects

Health Effects of Cannabis and Cannabinoids Current State of Evidence and Recommendations for Research

Summary of Statement of Task

Develop a comprehensive, in-depth review of existing evidence regarding the health effects (both harms and benefits) of cannabis and cannabinoids use. Make short- and long-term recommendations regarding a research agenda to identify the most critical research questions and advance the cannabis and cannabinoid research agenda.

Study Approach Committee member expertise included:

- substance abuse
 - cardiovascular health
 - general epidemiology
 - immunology
 - pharmacology
 - pulmonary health Between June and December 2016, the committee held 5 inperson meetings and 1 virtual meeting. The committee held 2 open session meetings.
 - neurodevelopment
 - oncology
 - pediatrics
 - public health
 - systematic review methodology
 - and others...
-
- 5 levels of evidence – CONCLUSIVE – SUBSTANTIAL – MODERATE – LIMITED – NO or INSUFFICIENT

Therapeutics

- In adults with chemotherapy induced nausea and vomiting, oral cannabinoids are effective antiemetics.
- In adults with chronic pain, patients who were treated with cannabis or cannabinoids are more likely to experience a clinically significant reduction in pain symptoms
- In adults with multiple sclerosis (MS) related spasticity, shortterm use of oral cannabinoids improves patient-reported spasticity symptoms.
- For these conditions the effects of cannabinoids are modest; for all other conditions evaluated there is inadequate information to assess their effects.

Respiratory Disease

- There is substantial evidence of a statistical association between long-term cannabis smoking and worse respiratory symptoms and more frequent chronic bronchitis episodes.
- There is moderate evidence of a statistical association between cannabis smoking and improved airway dynamics with acute use, but not with chronic use.
- There is moderate evidence of a statistical association between cannabis smoking and higher forced vital capacity (FVC).
- There is moderate evidence of a statistical association between cessation of cannabis smoking and improvements in respiratory symptoms.
- There is limited evidence of a statistical association between occasional cannabis smoking and an increased risk of developing chronic obstructive pulmonary disease (COPD) when controlled for tobacco use.
- There is insufficient evidence to support or refute a statistical association between cannabis smoking and hospital admissions for COPD.
- There is insufficient evidence to support or refute a statistical association between cannabis smoking and asthma development or asthma exacerbation.

Injury and Death

- Cannabis use prior to driving increases the risk of being involved in a motor vehicle accident.
- In states where cannabis use is legal, there is increased risk of unintentional cannabis overdose injuries among children.
- It is unclear whether and how cannabis use is associated with all-cause mortality or with occupational injury.

Immunity

- There exists a paucity of data on the effects of cannabis or cannabinoid-based therapeutics on the human immune system.
- There is insufficient data to draw overarching conclusions concerning the effects of cannabis smoke or cannabinoids on immune competence.
- There is limited evidence to suggest that regular exposure to cannabis smoke may have anti-inflammatory activity.
- There is insufficient evidence to support or refute a statistical association between cannabis or cannabinoid use and adverse effects on immune status in individuals with HIV.

Psychosocial

- Recent cannabis use impairs the performance in cognitive domains of learning, memory, and attention. Recent use may be defined as cannabis use within 24 hours of evaluation.
- A limited number of studies suggest that there are impairments in cognitive domains of learning, memory, and attention in individuals who have stopped smoking cannabis.
- Cannabis use during adolescence is related to impairments in subsequent academic achievement and education, employment and income, and social relationships and social roles.

Mental Health

- There is substantial evidence of a statistical association between cannabis use and the development of schizophrenia or other psychoses, with the highest risk among the most frequent users.
- In individuals with schizophrenia and other psychoses, a history of cannabis use may be linked to better performance on learning and memory tasks
- Cannabis use does not appear to increase the likelihood of developing depression, anxiety, and posttraumatic stress disorder.
- For individuals diagnosed with bipolar disorders, near daily cannabis use may be linked to greater symptoms of bipolar disorder than non-users.
- Heavy cannabis users are more likely to report thoughts of suicide than nonusers.
- Regular cannabis use is likely to increase the risk for developing social anxiety disorder.

Problem Cannabis Use

- Greater frequency of cannabis use increases the likelihood of developing problem cannabis use.
- Initiating cannabis use at a younger age increases the likelihood of developing problem cannabis use.

Cannabis Use and Abuse of Other Substances

- There is limited evidence of a statistical association between cannabis use and the initiation of tobacco use.
- There is limited evidence of a statistical association between cannabis use and changes in the rates and use patterns of other licit and illicit substances.
- There is moderate evidence of a statistical association between cannabis use and the development of substance dependence and/or a substance abuse disorder for substances including, alcohol, tobacco, and other illicit drugs.

Barriers to Cannabis Research (Conclusions)

- There are specific regulatory barriers, including the classification of cannabis as a Schedule I substance, that impede the advancement of cannabis and cannabinoid research
- It is often difficult for researchers to gain access to the quantity, quality, and type of cannabis product necessary to address specific research questions on the health effects of cannabis use
- A diverse network of funders is needed to support cannabis and cannabinoid research that explores the beneficial and harmful health effects of cannabis use
- To develop conclusive evidence for the effects of cannabis use on short- and long-term health outcomes, improvements and standardization in research methodology (including those used in controlled trials and observational studies) are needed

National Academy of Sciences

This report is now available and can be downloaded as a free pdf at:
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Health Effects of Cannabis and Cannabinoids Current State of Evidence and Recommendations for Research

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January 2017

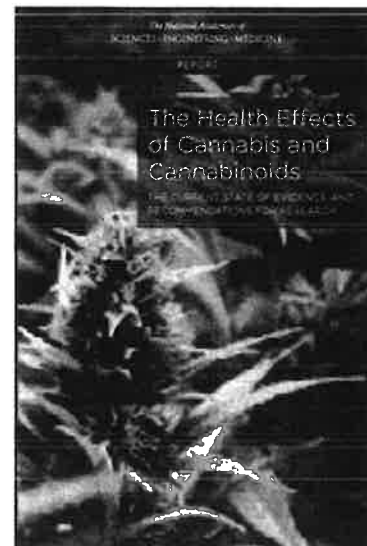
The Health Effects of Cannabis and Cannabinoids

The Current State of Evidence and Recommendations for Research

Recent years have seen a rapid rise in the medical and recreational use of cannabis: a broad term that can be used to describe the various products and chemical compounds (e.g., marijuana, cannabinoids) derived from different species of the cannabis plant. Despite increased cannabis use and a changing state-level policy landscape, conclusive evidence regarding the short- and long-term health effects—both harms and benefits—of cannabis use remains elusive.

A lack of definitive evidence has resulted in insufficient information on the health implications of cannabis use, causing a significant public health concern for vulnerable populations such as adolescents, pregnant women, and others. Unlike with substances such as alcohol or tobacco, no accepted standards exist to help guide individuals as they make choices regarding if, when, where, and how to use cannabis safely and, in regard to therapeutic uses, effectively.

With support from a host of federal, state, philanthropic and nongovernmental organizations, the National Academies of Sciences, Engineering, and Medicine convened an ad hoc, expert committee to develop a comprehensive, in-depth review of the most recent evidence regarding health effects of using cannabis and cannabis-derived products. In the resulting report, *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*, the committee presents nearly 100 research conclusions. The committee also formulated recommendations to expand and improve the quality of cannabis research efforts, enhance data collection efforts to support the advancement of research, and address the current barriers to cannabis research.



Despite increased cannabis use and a changing state-level policy landscape, conclusive evidence regarding the short- and long-term health effects—both harms and benefits—of cannabis use remains elusive.

THE STUDY PROCESS

The committee conducted an extensive search of literature databases to identify relevant articles published since the 1999 release of the National Academies report *Marijuana and Medicine: Assessing the Science Base*. As a result of their search efforts, the committee considered more than 10,000 scientific abstracts for their relevance to the report. Given the large scientific literature on cannabis, the breadth of the statement of task, and other constraints of the study, the committee gave primacy to recently published systematic reviews and high-quality primary research for 11 groups of health topics and concerns, including therapeutic effects for a variety of diseases and conditions; cancer incidence; respiratory disease; prenatal, perinatal, and neonatal outcomes; psychosocial and mental health concerns, and others.

The committee was charged to conduct a comprehensive, in-depth review of health topics with the greatest public health impact rather than to conduct multiple systematic reviews, which would have required a lengthy and robust series of processes. The committee did, however, adopt key features of that process: a comprehensive literature search, assessments by more than one person of the quality of the literature and the conclusions, pre-specification of the questions of interest before conclusions were formulated, standard language to allow for comparisons between conclusions, and declarations of conflict of interest via the National Academies conflict-of-interest policies.

Because of the practical steps taken to narrow a very large literature to one that was manageable within the timeframe available to the committee, there is a possibility that some literature was missed. Furthermore, some research may not be reflected in this report if it did not directly address the health endpoint research questions that were prioritized by the committee.

THE COMMITTEE'S CONCLUSIONS

The committee arrived at nearly 100 different research conclusions related to cannabis or cannabinoid use and health, organizing these into 5 categories: conclusive, substantial, moderate, limited, and no/insufficient evidence.

For a definition of these levels of evidence and a full listing of the conclusions, please see the "Committee's Conclusions" document by visiting the report's website at nationalacademies.org/CannabisHealthEffects.

THE COMMITTEE'S RECOMMENDATIONS

Based on their research conclusions, the committee members formulated four recommendations that outline priorities to inform a research agenda. The recommendations prioritize research approaches and objectives to:

- address current research gaps, highlighting the need for a national cannabis research agenda that includes clinical and observational research, health policy and health economics research, and public health and public safety research;
- identify actionable strategies to improve research quality and promote the development of research standards and benchmarks;
- highlight the potential for improvements in data collection efforts and the enhancement of surveillance capacity; and
- propose strategies for addressing the current barriers to the advancement of the cannabis research agenda.

The full text of the committee's recommendations appears on the pages that follow.

CONCLUSION

This is a pivotal time in the world of cannabis policy and research. Shifting public sentiment, conflicting and impeded scientific research, and legislative battles have fueled the debate about what, if any, harms or benefits can be attributed to the use of cannabis or its derivatives. This report provides a broad set of evidence-based research conclusions on the health effects of cannabis and cannabinoids and puts forth recommendations to help advance the research field and better inform public health decisions.

To read the full report, please visit nationalacademies.org/CannabisHealthEffects.

RECOMMENDATIONS

Recommendation 1: To develop a comprehensive evidence base on the short- and long-term health effects of cannabis use (both beneficial and harmful effects), public agencies, philanthropic and professional organizations, private companies, and clinical and public health research groups should provide funding and support for a national cannabis research agenda that addresses key gaps in the evidence base. Prioritized research streams and objectives should include, but need not be limited to:

Clinical and Observational Research

- Examine the health effects of cannabis use in at-risk or under-researched populations, such as children and youth (often described as less than 18 years of age) and older populations (generally over 50 years of age), pregnant and breastfeeding women, and heavy cannabis users.
- Investigate the pharmacokinetic and pharmacodynamic properties of cannabis, modes of delivery, different concentrations, in various populations, including the dose–response relationships of cannabis and THC or other cannabinoids.
- Determine the benefits and harms associated with understudied cannabis products, such as edibles, concentrates, and topicals.
- Conduct well-controlled trials on the potential beneficial and harmful health effects of using different forms of cannabis, such as inhaled (smoked or vaporized) whole cannabis plant and oral cannabis.
- Characterize the health effects of cannabis on unstudied and understudied health endpoints, such as epilepsy in pediatric populations; symptoms of posttraumatic stress disorder; childhood and adult cancers; cannabis-related overdoses and poisonings; and other high-priority health endpoints.

Health Policy and Health Economics Research

- Identify models, including existing state cannabis policy models, for sustainable funding of national, state, and local public health surveillance systems.
- Investigate the economic impact of recreational and medical cannabis use on national and state public health and health care systems, health insurance providers, and patients.

Public Health and Public Safety Research

- Identify gaps in the cannabis-related knowledge and skills of health care and public health professionals, and assess the need for, and performance of, continuing education programs that address these gaps.
- Characterize public safety concerns related to recreational cannabis use and evaluate existing quality assurance, safety, and packaging standards for recreational cannabis products.

Recommendation 2: To promote the development of conclusive evidence on the short- and long-term health effects of cannabis use (both beneficial and harmful effects), agencies of the United States Department of Health and Human Services, including the National Institutes of Health and the Centers for Disease Control and Prevention should jointly fund a workshop to develop a set of research standards and benchmarks to guide and ensure the production of high-quality cannabis research. Workshop objectives should include, but need not be limited to:

- The development of a minimum dataset for observational and clinical studies, standards for research methods and design, and guidelines for data collection methods.
- Adaptation of existing research-reporting standards to the needs of cannabis research.
- The development of uniform terminology for clinical and epidemiological cannabis research.
- The development of standardized and evidence-based question banks for clinical research and public health surveillance tools.

Recommendation 3: To ensure that sufficient data are available to inform research on the short- and long-term health effects of cannabis use, (both beneficial and harmful effects), the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the Association of State and Territorial Health Officials, National Association of County and City Health Officials, the Association of Public Health Laboratories, and state and local public health departments should fund and support improvements to federal public health surveillance systems and state-based public health surveillance efforts. Potential efforts should include, but need not be limited to:

- The development of question banks on the beneficial and harmful health effects of therapeutic and recreational cannabis use and their incorporation into major public health surveys, including: the National Health and

Committee on the Health Effects of Marijuana

Marie McCormick (Chair),
Harvard T.H. Chan School of
Public Health

Donald I. Abrams
Zuckerberg San Francisco
General Hospital

Margarita Alegría
Massachusetts General Hospital

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National Highway Traffic Safety
Administration

National Institute on Drug
Abuse—National Institutes of
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Oregon Health Authority

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The Colorado Health
Foundation

Truth Initiative

Washington State
Department of Health

Nutrition Examination Survey, National Health Interview Survey, Behavioral Risk Factor Surveillance System, National Survey on Drug Use and Health, Youth Risk Behavior Surveillance System, National Vital Statistics System, Medical Expenditure Panel Survey, and the National Survey of Family Growth.

- Determining the capacity to collect and reliably interpret data from diagnostic classification codes in administrative data (e.g., International Classification of Diseases-10)
- The establishment and utilization of state-based testing facilities to analyze the chemical composition of cannabis and products containing cannabis, cannabinoids, or THC.
- The development of novel diagnostic technologies that allow for rapid, accurate, and noninvasive assessment of cannabis exposure and impairment.
- Strategies for surveillance of harmful effects of cannabis for therapeutic use.

Recommendation 4: The Centers for Disease Control and Prevention, National Institutes of Health, Food and Drug Administration, industry groups, and nongovernmental organizations should fund the convening of a committee of experts tasked to produce an objective and evidence-based report that fully characterizes the impacts of regulatory barriers to cannabis research and that proposes strategies for supporting development of the resources and infrastructure necessary to conduct a comprehensive cannabis research agenda. Committee objectives should include, but need not be limited to:

- Proposing strategies for expanding access to research-grade marijuana, through the creation and approval of new facilities for growing and storing cannabis.
- Identifying nontraditional funding sources and mechanisms to support a comprehensive national cannabis research agenda.
- Investigating strategies for improving the quality, diversity, and external validity of research-grade cannabis products.

Health and Medicine Division

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(from June 2016)

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(from August 2016)

Kathleen Stratton
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Norman F. Grant/American
Board of Obstetrics and
Gynecology Fellow

Rose Marie Martinez
Senior Board Director, Board
on Population Health and
Public Health Practice

Rebecca Vaughn

From: Phil Boyle
Sent: Tuesday, December 04, 2018 3:57 PM
To: Rebecca Vaughn
Subject: FW: Added items for Cannabis discussion
Attachments: Excerpts from the.docx; SausalitobaninMIJ.pdf; The Model Local Ordinance for Cannabis Taxation in California.docx

Here you go.

Phil Boyle
Senior Planner
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94976-0159
(415)927-5067
pboyle@tcmmail.org

From: Peter Chase [mailto:pc@vanacker.com]
Sent: Sunday, December 02, 2018 5:03 PM
To: Phil Boyle; Adam Wolff
Subject: Added items for Cannabis discussion

These items contain one of the elements in the Planning Commission hearing packets.
Model for Taxation.....

I have taken some excerpts and compiled them into a short doc for the salient cautionary quotes.

--
Thank you,

Peter Chase



Peter Chase
Office: 415-384-2361 | Mobile: 415-298-0037

BUSINESSES

Sausalito extends temporary ban on marijuana

By Matthew Pera

mpera@marinij.com

@MatthewRPera on Twitter

The Sausalito City Council this week extended for another year its temporary marijuana ban, which prohibits any cannabis-related businesses from setting up shop in the city.

But council members said they'd like to soon allow delivery-only retailers to have headquarters in the city — a means of generating tax revenue on an industry that's already traveling to the community from other areas to meet the demands of local consumers.

At its meeting Tuesday, the council said it needed more time to craft comprehensive regulations that detail which sectors of the cannabis industry, if any, the city will welcome. The temporary ban, adopted in late 2017 and first extended in January, was set to expire in November.

Communities throughout the state have adopted similar, temporary regulations in the wake of California voters in 2016 legalizing cannabis for recreational use. State regulations set minimum parameters for what local jurisdictions must allow — including the cultivation of up to six plants indoors — but municipalities can decide for themselves whether they'll allow outdoor gardens and cannabis businesses, like dispensaries, manufacturing or testing operations. Sausalito now has another year to waver on those possibilities.

According to Senior Plan-

ner Calvin Chan, more than three-quarters of Sausalito voters in 2016 supported legalization. Of the handful who spoke at Tuesday's City Council meeting, most reinforced that support.

"A regulated system is much safer for our children, it's much safer for our patients and it's much safer for adults who use recreational cannabis," said Larry Bedard, a local retired physician.

The current city rules allow retailers that are headquartered in other areas to legally deliver cannabis in Sausalito. But those businesses are required to register with local officials. Chan said Tuesday only one business has notified the city it's operating, and many others aren't following that rule.

"We're looking really stupid," said Councilman Ray Withy. "We've got delivery operators operating in town and they don't care. They're not letting us know."

The council discussed the necessary steps involved in permitting and collecting taxes from delivery-only cannabis retailers with Sausalito warehouses — businesses that most council members said they'd like to allow, as long as the operators don't have storefronts open to the public. The city's Planning Commission would need to consider the land-use implications of those enterprises and change Sausalito's zoning. The city would also need voter approval in order to levy a local tax on those businesses.

Excerpts from:

The Model Local Ordinance for Cannabis Taxation in California.

This Model Local Cannabis Taxation Ordinance was prepared to help California cities and counties respond to the legalization of recreational cannabis approved by voters in 2016, the earlier legalization of medical cannabis, or both.

Legalization is based on the idea that cannabis regulation should not primarily be a criminal justice issue. However, an unfettered market in cannabis should not be the substitute and is not more sensible for this potentially addictive intoxicant than for alcohol or tobacco, widely used substances which raise similar public health concerns as does cannabis. Rather, cannabis policy should be grounded in public health protection.

Cannabis possesses special health risks, and appropriate tax policies can help reduce harm

Cannabis, like alcohol and tobacco, is an addictive substance that should not be treated as an ordinary commodity in the marketplace.ⁱ

ⁱ Mosher JF, Treffers R. Local Regulation of Medical Cannabis in California: Is Public Health a Priority? Ventura County Behavioral Health; 2017.

Key challenges identified include the rapid growth of a market for high potency products, the declining popular perception of harm, evidence of clear and significant harms from use in several population groups, the extraordinary incentives to expand and diversify consumption in California given the enormity of our state's crop and the fact that less than one-fifth is currently consumed in-state,ⁱ and the challenge of keeping marijuana-related income in low-income communities.

The basic philosophy underlying the model is that cannabis sales should be *cautiously legalized* to reduce the social harm of illegality, but that cannabis sale and consumption should not be normalized, and cannabis-related tax revenue should be reinvested in communities at greatest risk of substance abuse and poor health outcomes.

In light of lessons from the decades-long efforts to “denormalize” consumption of tobacco, consumption of cannabis should not be encouraged. It should not be viewed as the next great economic opportunity

Model Local Ordinance for Cannabis Taxation in California



Getting it Right
· from the Start ·

Local Regulation of Recreational Marijuana

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Note

This model ordinance is not intended as legal advice. For legal advice, readers should consult an attorney licensed in their state.

Introduction

This Model Local Cannabis Taxation Ordinance was prepared to help California cities and counties respond to the legalization of recreational cannabis approved by voters in 2016, the earlier legalization of medical cannabis, or both. It taxes only commercial activity, not the personal use permitted by Proposition 64 that involves no exchange of money or other value. Local jurisdictions must decide whether (1) to do nothing, in which case businesses may apply for a state license to sell cannabis starting January 1, 2018; (2) to ban the sale or manufacture of cannabis locally; or (3) to develop their own rules and regulations to govern the cultivation, production, sale, marketing and taxation of this product in their community. Alternatively, communities may decide to take more time to craft local policy through a temporary ban on certain cannabis business. Most communities opting to allow cannabis businesses to operate will tax those businesses. This Model provides an approach to local taxation that seeks to generate revenue to mitigate negative social and health effects of the cannabis industry, address other community needs, discourage youth and problem use of cannabis, particularly of more-dangerous, high-potency products.

The Model was developed by the Public Health Institute's *Getting it Right from the Start: Local Regulation of Recreational Cannabis* project, working in conjunction with Colantuono, Highsmith & Whatley, PC, which provided guidance as a municipal law firm, to help California cities and counties reduce negative health impacts of the legalization of recreational cannabis. Legalization is based on the idea that cannabis regulation should not primarily be a criminal justice issue. However, an unfettered market in cannabis should not be the substitute and is not more sensible for this potentially addictive intoxicant than for alcohol or tobacco, widely used substances which raise similar public health concerns as does cannabis. Rather, cannabis policy should be grounded in public health protection. Shifting from a criminal justice to a public health paradigm requires careful consideration of how to regulate commercial cannabis activity. Cannabis possesses special health risks, and appropriate tax policies can help reduce harm. Of particular concern is the impact of legalization on youth below age 25, because research suggests that use among youth carries special risks to the developing brain that are not present for older adults.^{1,2,3} Legalization and taxation should have as a primary goal establishing a legal market while at the same time instituting policies to prevent or mitigate harm, particularly to youth. Cannabis, like alcohol and tobacco, is an addictive substance that should not be treated as an ordinary commodity in the marketplace.⁴

Current California law, based on 2016's Proposition 64, provides only weak public health protections. In the absence of action at the local level, state law will permit a large-scale expansion of the legal cannabis industry which is already growing rapidly. Fortunately, Proposition 64 allows local governments to adopt policies that build on state law in a number of areas. This model addresses the area of taxation policy, and follows on the project's December 2017 Model Local Retailing and Marketing Ordinance (see www.gettingitrightfromthestart.org).

The model was produced after in-depth interviews with dozens of stakeholders from local jurisdictions, community members, academic and research experts, regulators from other states, legal experts, community coalitions, dispensary owners, laboratory experts, manufacturers, clinicians working with addiction, and others. The model uses best available evidence from the fields of municipal revenue law, alcohol and tobacco control, public health, the experience of states that legalized earlier than California, and expert advice on best practices. Key challenges identified include the rapid growth of a market for

high potency products, the declining popular perception of harm, evidence of clear and significant harms from use in several population groups, the extraordinary incentives to expand and diversify consumption in California given the enormity of our state's crop and the fact that less than one-fifth is currently consumed in-state,⁵ and the challenge of keeping marijuana-related income in low-income communities. This model ordinance seeks to address these challenges.

The basic philosophy underlying the model is that cannabis sales should be *cautiously legalized* to reduce the social harm of illegality, but that cannabis sale and consumption should not be normalized, and cannabis-related tax revenue should be reinvested in communities at greatest risk of substance abuse and poor health outcomes. These investments should seek to improve health, reduce social inequity, save health-care and other costs from substance abuse and other preventable illness, injury and premature death, and mitigate other social harms from substance abuse and incarceration. In light of lessons from the decades-long efforts to “denormalize” consumption of tobacco, consumption of cannabis should not be encouraged. It should not be viewed as the next great economic opportunity for our state. For example, daily use of cannabis by high school students was found to halve the high school graduation rate;⁶ so promoting use is not socially or economically beneficial to our communities in the long run. Proliferation of a multitude of new forms of cannabis that are potentially more harmful, such as high potency products,^{7,8,9,10,11,12} if allowed at all, can be discouraged through tax policy.¹³ Whatever economic returns this new legal industry brings should be shared by the communities that have been most affected by the war on drugs. Additionally, because local taxes must be approved by the voters in California, it asks voters to authorize tax ceilings, and leaves to local government a high degree of flexibility to adjust taxation levels over time. Given uncertainties about the future of California's cannabis market and the need to avoid encouraging the black market, flexibility to adjust tax rates is advisable. The model is also written in such a way that it can be applied to adult-use or medical cannabis markets, or both.

The ordinary sales taxes imposed under Bradley-Burns Uniform Sales and Use Tax Law to benefit the state and local governments will apply to retail adult-use sales, but not to retail medical marijuana sales, in addition to the taxes imposed by this ordinance and the taxes the State imposes under Proposition 64. Sales and state taxes are administered by the California Department of Tax and Fee Administration. The tax under this ordinance would be administered by the City or County adopting it, along with other local business license taxes

We are happy to speak with you to discuss the reasoning behind the model and we welcome your input. This is a living and evolving document that will grow with your local experience and emerging evidence in addressing this new challenge, so periodic updating is expected.

As occurred in tobacco regulation, we believe that innovation and leadership for best practices will bubble up from cities and counties across the nation. We look to you to provide that leadership and to share your experience.

Note to Readers

This model ordinance is not intended as legal advice. For legal advice, readers should consult an attorney licensed in their state.

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RESOLUTION NO. _____

A RESOLUTION OF THE [CITY COUNCIL/BOARD OF SUPERVISORS] OF THE [CITY/COUNTY] OF [_____] , CALIFORNIA, ESTABLISHING [_____] , 20[___] AS THE DATE FOR A [GENERAL / SPECIAL] ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER APPROVAL OF A SPECIAL BUSINESS LICENSE TAX ON COMMERCIAL RETAIL SALE OF NONMEDICAL CANNABIS PRODUCTS IN THE [CITY/COUNTY]

WHEREAS, the [City/County] of [_____] imposes license taxes upon businesses in the [City/County]; and

WHEREAS, these business license taxes are imposed to raise revenue and not for regulation; and

WHEREAS, the ordinance attached hereto as Exhibit "A" and incorporated herein by reference (the "Ordinance") would impose a business license tax on persons engaged in commercial activity involving cannabis products in the [City/County] (the "Special Tax"); and

WHEREAS, if approved by the voters, the revenues from the Special Tax will be used to fund efforts to promote health and prevent the leading causes of preventable illness, injury and premature death including, substance abuse in the [City/County] and to prevent negative social impact of drug-related incarceration; and [or specify other uses desired by the city/county]

WHEREAS, pursuant to Section [9222/9140] of the California Elections Code the [City Council/Board of Supervisors] may submit the Ordinance directly to the voters; and

WHEREAS, at a properly noticed meeting on [_____] , 20[___] , the [City Council/Board of Supervisors] adopted this Resolution to order a [general / special] election on the Ordinance for [_____] , 20[___] (the "Election"), at which it will submit to the qualified voters in the [City/County] , the Ordinance to impose a special tax on commercial activity involving cannabis in the [City/County].

NOW THEREFORE, BE IT RESOLVED by the [City Council/Board of Supervisors] of the [City/County] of [_____] that:

1. The [City Council/Board of Supervisors] hereby [calls the Election on [date]] and submits the attached Ordinance to the qualified voters of the [City/County] to impose a special tax on commercial activity involving cannabis products in the [City/ unincorporated area of the County] (the "Measure").

COMMENT: The bracketed phrase is necessary if a Special Election has not been called by another resolution. If an election has been called, this phrase should be deleted.

Revenue & Taxation Code section 34021.5(a)(4) authorizes a County to impose a County-wide tax, applicable in cities and well as unincorporated area, with approval of votes in the area to be taxed (i.e., all voters or just those in the unincorporated area). County taxes in cities are uncommon and might draw opposition from city governments which wish to guard their own tax bases. Accordingly, this model assumes the tax will apply in a city or in county unincorporated area. It can be adjusted to apply throughout a County.

2. The type, rate, and method of collection of the tax are set forth in the Ordinance, the full text of

which shall be printed and made available to voters pursuant to Section [9119 / 9223] of the California Elections Code.

3. The ballot label for the proposed Measure shall be submitted for a “Yes” or “No” vote as follows:

COMMENT: The ballot label is the question printed on the ballot and the last thing voters read before casting their votes, thus it should be carefully considered. It is limited to 75 words and the Secretary of State recommends it be written at a 5th or 6th grade reading level. Elections Code section 13119 governs the ballot labels for tax measures.

[Option 1] Shall an ordinance be adopted to impose a business license tax of up to [15]% of gross receipts from cannabis business and up to \$10 per square foot of grow area, to raise an estimated \$[aa] per year until voters change or repeal it, to fund efforts to prevent substance abuse and addiction, promote health and prevent the leading causes of illness, injury and premature death, and reduce drug related incarceration;

COMMENT: This model can be used to tax adult use cannabis, medical cannabis or both. It separately taxes cultivation from other cannabis activity, but the cultivation tax is a credit against the gross receipts taxes for businesses which cultivate and receive receipts in other ways, too.

[Option 2] Shall an ordinance be adopted to impose a business license tax of up to [15]% of gross receipts from cannabis business, plus 1% on highly potent products, per percent of THC content above [17]%, 20% on sweetened cannabis beverages and up to [\$10] per square foot of grow area, to raise an estimated \$[aa] annually until voters change or repeal it, to fund efforts to prevent substance abuse, promote health and reduce drug-related incarceration;

COMMENT: Option 2 adds to the base model ordinance a higher tax on high-potency products and on cannabis infused sweetened beverage (such as sodas, teas or juices) to discourage their use and sale in the City/County and to make them less likely to be used by children and youth, who typically have less purchasing power than adults.

COMMENT: Use of cannabis, especially frequent use, has significant negative health and social impacts including low birth weight, increased schizophrenia and psychoses, increased problem use and addiction, motor vehicle crashes, and respiratory disease.¹⁴ Daily use may halve high school graduation rate.¹⁵ An increasing body of literature suggests risks for heart disease.^{16,17} Effects are more severe when use starts young and is frequent, and with higher potency products.¹⁸ For this reason it is of critical importance that communities collect and reinvest cannabis taxes in large part in community based policies, programs and environmental changes to create a healthier community, promote health and prevent substance use and addiction. It is also important to prevent and mitigate social conditions and criminal justice practices that have led to high and unjustly distributed rates of drug-related incarceration with long-term negative social impact as well as expense to government.

Long experience with funds from tobacco taxation have shown that the investments in tobacco control, for example, were enormously cost-saving.¹⁹

4. The City Council requests that the Board of Supervisors [_____] County (“County”) to consolidate the Election with any and all other elections to be held in the County on that date.

COMMENT: This section is needed only for City taxes and will not be needed if a City intends to conduct its own election, which is not common, except in a few very large cities.

5. The [City/County] Clerk is authorized and directed to file a certified copy of this Resolution with the Board of Supervisors and Chief Election Official of the County.
6. The [City Attorney/County Counsel] is authorized and directed to prepare an impartial analysis of the measure, as required by section [9280/9160] of the California Elections Code.
7. The [Mayor/Chair of the Board of Supervisors] is authorized to select two members of the [City Council/Board of Supervisors] to prepare a written argument, not to exceed 300 words, in favor of the Measure on behalf of the [City Council/Board of Supervisors], as specified in section [9282/9162] of the California Elections Code. At the discretion of the [Mayor/Chair of the Board of Supervisors], the argument may also be signed by members of the [City Council/Board of Supervisors] or citizen associations or individual voters, subject to sections [9282 and 9283/9162 and 9164] of the California Elections Code. If an argument is filed against the Measure, the [Mayor/Chair of the Board of Supervisors] is also authorized to select two members of the [City Council/Board of Supervisors] to prepare a written rebuttal, not to exceed 250 words, which also may be signed by members of the [City Council/Board of Supervisors] or citizen associations or individual voters, subject to sections [9282 and 9283/9162 and 9164] of the California Elections Code.

COMMENT: If multiple arguments are submitted for or against a ballot measure, the Elections Official chooses which to print based on these priorities stated in the Elections Code: members of the city council or board of supervisors authorized by their legislative body to write an argument, bona fide associations of voters, individual voters. The effect of this paragraph is to assign responsibility for the “yes” argument to designated city council members or county supervisors. This section is optional.

8. Arguments against the Measure may not exceed 300 words and must be submitted to the [City/County]’s elections official in compliance with sections [9282 and 9283/9162 and 9164] of the California Elections Code by the deadline established by the Elections Official as authorized by law.
9. Rebuttal arguments are hereby authorized and may not exceed 250 words and must be submitted to the [City/County]’s elections official as specified in section [9285/9167] of the California Elections Code.

COMMENT: Rebuttal arguments are optional and must be authorized by resolution unless the local government has a blanket authorization for them. The trade-off is that rebuttals increase printing costs but provide more information to voters. This section of the resolution is therefore an option.

10. Notice of the Election is hereby given and the [City/County] Clerk shall give such further notice of the Election as required by law.
11. The [City/County] Clerk is authorized and directed to take all other steps necessary to conduct the election on the Measure.
12. The [City Manager/County Administrative Officer] is authorized and directed to appropriate the funds necessary to fund the cost of the Election.
13. [The [City Council/Board of Supervisors] hereby declares, by a unanimous vote of those present, that the [City/County] is experiencing a fiscal emergency which justifies a general election on a special tax, as authorized by California Constitution, article XIII C, section 2, subdivision (b). The facts which demonstrate the fiscal emergency are: [insert local fiscal conditions on which the emergency declaration rests here].]

COMMENT: This section is required only if the general tax is placed on a special election ballot. If a general tax is placed on a general election ballot or if the tax is proposed by initiative petition rather than by a city council or board of supervisors, this section is not needed. A general tax is one that can be used for any lawful purpose of the agency; a special tax is one that may be spent only for stated purposes. A separate model of such an ordinance is being developed. This model is a special tax and limits how the proceeds of the tax can be used.

The [City Council/Board of Supervisors] of the [City/County] of [_____] duly adopted this Resolution at a meeting held on [____], 20[___], by the following vote:

AYES: [Council Members/Supervisors]:

NOES: [Council Members/Supervisors]:

ABSTAIN: [Council Members/Supervisors]:

ABSENT: [Council Members/Supervisors]:

[Mayor/Chair of the Board of Supervisors]

ATTEST:

[City/County] Clerk

State of California }

County of _____ :ss.

City of _____ }

I certify that the foregoing is a true copy of Resolution No. _____, which was passed and adopted by the [City Council/Board of Supervisors] of the [City/County] of _____ at its regular/special meeting held on _____, 20__.

[City/County] Clerk

Model Special Tax Ordinance

The [City Council/Board of Supervisors] of the [City/County] of [_____] does ordain as follows:

--or--

Be it ordained by the people of the [City/County] of [_____]:

SECTION I. Title

This measure shall be known, cited and referred to as the “Cannabis Business Tax” measure.

SECTION II. Findings.

WHEREAS, the [City Council/Board of Supervisors] has decided to allow the cannabis industry to operate legally in [City/County], it is important to ensure that legalization occurs so as to protect and promote the health, safety, and welfare of our youth and most vulnerable residents; and

WHEREAS, the National Academies of Science, Engineering and Medicine note that the growing acceptance, accessibility, and use of cannabis and its derivatives have raised important public health concerns, while the lack of aggregated knowledge of cannabis-related health effects has led to uncertainty about the impact of its use;²⁰ and

WHEREAS, 22.2 million Americans ages 12 and older reported using cannabis in the past 30 days, and 90 percent of adult cannabis users in the United States said their primary use is recreational; and between 2002 and 2015, the percentage of past-month cannabis users in the U.S. population ages 12 and older increased steadily from 6.2 percent to 8.3 percent;²¹ and

WHEREAS the perception of risk from cannabis consumption has been falling steadily, dropping from 58.3% to 31.1% among youth nationally between 2000 and 2016;²² and

WHEREAS use during pregnancy has risen substantially between 2000 and 2016,^{23,24} increasing the risk of low birth weight;²⁵ and

WHEREAS, in 2011–2012 surveys, over 40 percent of 11th grade students in California stated they had ever used cannabis, a number far exceeding that for tobacco;²⁶ and

WHEREAS, despite the State’s and [City/County]’s efforts to limit youth access to cannabis, minors are still able to access cannabis, as evidenced by the fact that [*insert local data*]:

COMMENT: We recommend inserting further City/County-specific findings regarding the number of local high school students who use cannabis or cannabis products, youth perception of ease of accessibility of cannabis, and/or young adults who use cannabis or cannabis products. Data for individual counties and districts can be found at kidsdata.org under the topic “Emotional & Behavioral Health,” and the subtopic “Youth, Alcohol, Tobacco & Other Drug Use.”

WHEREAS, in 2017, the National Academies of Sciences, Engineering and Medicine (NASEM) reviewed the available scientific evidence on the health effects of cannabis and cannabis-derived products, and while noting substantial evidence of therapeutic effectiveness of medicinal cannabis for a limited number of indications, noted evidence of association of cannabis use with harm in a wide range of areas.²⁷ The NASEM study found “substantial evidence” to support the following conclusions:

- a) Initiation of use at an earlier age or more frequent use is a risk factor for the development of problem cannabis use;
- b) Maternal cannabis smoking during pregnancy is associated with low birth weight;
- c) Cannabis use is associated with increased risk of motor vehicle crashes;
- d) Cannabis use increases the risk of development of schizophrenia and other psychoses, with the highest risk among the most frequent users;
- e) Long-term cannabis smoking is associated with worse respiratory symptoms and more frequent chronic bronchitis episodes; and
- f) Increases in cannabis use frequency are associated with developing problem cannabis use.

The NASEM study found that less conclusive, but still worrisome, emerging evidence exists for a wide range of other harms, including impaired academic achievement and educational outcomes, development of substance use disorders, suicide completion, high blood pressure and increased unemployment, among others; and

WHEREAS, the findings of the NASEM review and other scientific literature lead us to conclude that legalization of recreational cannabis should be carried out cautiously, so as to prevent undue exposure of youth and expansion of problem use; that unfettered expansion and production of high potency products are not prudent; and that, like tobacco and alcohol, cannabis use poses significant risks to public health, especially when initiated early; and

WHEREAS, cannabis prices have been shown to fall significantly post-legalization²⁸ and, given price

elasticity of demand for any product, this will lead to increased consumption. Median price per gram for cannabis flower fell from \$25 to \$10 between August 2014 and September 2016 in Washington State;²⁹ and

WHEREAS, while prices of legal cannabis should not be so high as to promote illegal sales, they should also not be excessively low as to promote excessive use and youth access; and

WHEREAS, research demonstrates that youth are particularly price sensitive and responsive to changes in price,³⁰ low prices are known to facilitate use of tobacco by minors³¹ — when cigarettes cost more, fewer adolescents start smoking,³² and similar findings are expected for cannabis; and

WHEREAS, high-potency cannabis products have additional health risks³³ and their sales and consumption have expanded markedly over recent years³⁴ and post-legalization.

WHEREAS, in 2016 Canada’s federal task force report encouraged the use of tax schemes to discourage high-potency cannabis products;³⁵ and

WHEREAS, the market share of flower with more than 20% THC has increased by 48.4% since October 2014, now accounting for 56.5% of retail expenditures on cannabis flower post-legalization in Washington state,³⁶ to such an extent that the products originally understood by voters to be “marijuana” intended for legalization are no longer the products being sold.

WHEREAS, the potency of flower marijuana has increased several fold from roughly 4% years ago,³⁷ and many strains now exceed 20% of the main active ingredient tetrahydrocannabinol (THC), and carry a higher likelihood of inducing psychoses;³⁸ and

WHEREAS, in California, youth were estimated to consume 47% of the alcopops (sweetened, fruit-flavored alcoholic beverages) sold in the state in 2007,³⁹ and nationwide, minors are twice as likely to consume “alcopops” as are adults;⁴⁰ and similar findings are expected for cannabis infused sweetened flavored beverages; and

WHEREAS, key federal funding to support community based prevention efforts was severely reduced in December 2017 by HR 1370; and

WHEREAS, programs funded by cannabis business license taxes can help to prevent excessive use of cannabis, opiate addiction and other substance use, prevent the leading causes of illness, injury and premature death, promote wellness and more equitable health conditions and reduced incarceration rates in our community; and

WHEREAS this ordinance proposes the creation of a Community Advisory Board to ensure community participation and advise the [City Council/Board of Supervisors] on the funding of community-based actions to mitigate harm from the cannabis industry and from longstanding poor health conditions in parts of our community, to prevent the leading causes of illness, injury and premature death, including, but not limited to substance abuse and addiction, promote wellness and improve health equity; and

NOW, THEREFORE, THE PEOPLE OF THE [CITY/COUNTY OF ____] DO HEREBY ORDAIN AS FOLLOWS:

SECTION III. Article [xxx] of the [*Municipal/County*] Code is hereby amended to add a new Chapter [XX] to read as follows:

CHAPTER XX CANNABIS BUSINESS TAXES

Sec. [XX.010]. Statement of Purpose.

This ordinance is adopted to achieve the following purposes, among others, and shall be interpreted to accomplish those purposes:

- A. To impose a tax on the privilege of cultivating, transporting, dispensing, manufacturing, producing, processing, preparing, storing, testing, providing, donating, selling, or distributing cannabis or cannabis products by commercial cannabis businesses in the [*City/unincorporated area of the County*], pursuant to the state Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code section 26000, Proposition 64, approved by the voters in November 2016 and as amended to date (“MAUCRSA”), which legalized and regulates recreational cannabis in California, and other applicable law as it now exists or may hereafter be adopted;
- B. To dedicate [suggested: of at least 70%] the proceeds of the taxes imposed by this ordinance to fund community-based prevention of the leading causes of illness, injury, and premature death including, but not limited to substance abuse and addiction, promote wellness and to reduce inequity in health conditions whether or not arising from cannabis use;
- C. To dedicate the remaining proceeds of the taxes to fund other community needs to mitigate negative social impact of substance abuse and reduce incarceration, including support to diversion programs to reduce new drug-related incarceration, programs to assist residents in expungement or reclassification of records of marijuana convictions allowable pursuant to MAUCRSA, re-entry programs for those released from incarceration to avoid recidivism, job training programs and other community-based and educational programs, especially those which can help minimize substance-abuse related incarceration;
- D. To specify the type of tax and rate of tax to be levied and the method of collection; and
- E. To comply with all requirements for imposition of a special tax.

This chapter is enacted solely to raise revenue for stated purposes and not for regulation. It shall apply to all persons engaged in cannabis business in the [*City/unincorporated area of the County*]. The tax imposed by this chapter is a special tax under Article XIII C of the California Constitution.

This chapter does not authorize the conduct of any business or activity in the [*City/unincorporated area of the County*], but provides for the taxation of such businesses or activities as they occur.

Sec. [XX.020]. Definitions.

The following definitions shall apply to this chapter:

- A. **“Cannabis”** or **“marijuana”** means all parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds of such plants. “Cannabis” also means cannabis as defined by

Business and Professions Code section 26001, subdivision (f), the Health and Safety Code section 11018, and by other state law.

- B. **“Cannabis accessory”** is any device intended to aid in the use of cannabis or cannabis products which does not itself consist in all or part of cannabis or cannabis products and includes “cannabis products” as defined in Health and Safety Code section 11018.2 and by other state law.
- C. **“Cannabis business”** means the activity of any natural or legal person, business, or collective in the [*City/unincorporated area of the County*] relating to cannabis, including but not limited to cultivation (including nurseries), transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (including both wholesale and retail sales) of cannabis, cannabis products, or any accessories for the use of cannabis or cannabis products, whether or not carried on for gain or profit, whether for medical or recreational use, and whether or not such business is licensed by the State. A cannabis business does not include any business the only relationship of which to cannabis or cannabis products is the production or sale of cannabis accessories.
- D. **“Cannabis cultivation area”** means the total aggregate area(s) of cannabis cultivation on one or more parcels in the [*City/unincorporated area of the County*] by a cannabis business as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the dripline of the canopy expected at maturity and includes, but is not limited to, space between plants within a cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses, green houses, and each room or area where cannabis plants are grown, as determined by the [*City Manager/County Administrative Officer*].
- E. **“Cannabis product”** means any product containing cannabis or its derivatives, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles and products described in Section 11018.1 of the Health and Safety Code.
- F. **“Canopy”** means the designated area(s) at a licensed premises that will contain mature plants at any time. If mature plants are cultivated using a shelving system, the surface area of each level shall be included when calculating canopy area. Canopy area shall be expressed in square feet and measured using clearly identifiable boundaries of all areas that will contain mature plants at any time, including the entire area with those boundaries. Canopy may be noncontiguous, but each noncontiguous area shall be defined by an identifiable boundary such as an interior wall or by 10 feet or more feet of open space.
- G. **“Commercial cannabis cultivation”** means cultivation conducted by, for, or as part of a cannabis business. Commercial cannabis cultivation does not include personal medical cannabis cultivation, or cultivation for personal recreational use as authorized by the MAUCRSA, including Health & Safety Code section 11362.1 et seq., for which the individual receives no compensation whatsoever.
- H. **“Cultivation”** means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- I. **“Delivery”** means the transfer for any form of compensation of cannabis or cannabis products to a customer or caregiver at a location that is not a dispensary.

- J. **“Dispensary”** means a place at which cannabis, cannabis products, or accessories for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that engages in delivery.
- K. **“Distributor”** means a person engaged in procuring cannabis and/or cannabis products for sale to a dispensary or other point of retail sale. **“Distribution”** means engaging in that conduct and a **“distribution facility”** is any real estate, whether or not improved, used in such conduct.
- L. Except as otherwise specifically provided in this code or by regulation authorized by this code, **“gross receipts”** means the total amount actually received or receivable from all sales; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized from trading in stocks or bonds, however designated. **“Gross receipts”** shall include all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever.
- M. **“High potency”** cannabis or cannabis product means cannabis flower containing more than 17% tetrahydrocannabinol (THC), or a cannabis product containing more than 50% THC, excluding edibles containing ten 10 mg or less of THC per dose.
- N. **“Manufacturer”** means a person who engages in the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.
- O. **“Sweetened cannabis beverage”** is a liquid cannabis product containing natural or artificial sweeteners sold in units intended for consumption exceeding one ounce.

Sec. [XX.030]. Cannabis Business Tax.

COMMENT: Cities and counties have a wide range of options for taxing commercial cannabis activity. So long as they do not impose a sales tax (which is preempted), interfere with the State’s taxes, or violate other general restrictions on taxation (like taxing activity outside their boundaries, imposing taxes so high as to be “confiscatory” or make distinctions between taxpayers that are completely irrational or discriminate on the basis of a protected class (such as race, gender, religion, etc.), taxes can vary widely. This model suggests these options: (i) a gross receipts tax on all cannabis businesses (paragraph A. below), (ii) a tax on highly potent products and sweetened cannabis beverages (the cannabis analog to alco-pops, which appeal to young people and are likely to be disproportionately consumed by youth) (paragraph B. below), and (iii) a tax on cultivation (paragraph C.) below. A jurisdiction could adopt some or all of these and might consider other tax distinctions which serve its local policy goals. Given the public health objectives of this ordinance, its framers recommend consideration of the high-potency and sweetened beverages taxes. Such

taxes may steer users towards safer products and may help them focus on the risks of high potency products.

- A. [Option 1] There is hereby imposed on every cannabis business in the [City/unincorporated area of the County] an annual maximum cannabis industry tax of [fifteen] percent (15%) of the gross receipts, plus the amount of any tax paid under paragraph B of this section and less the amount of any tax paid under paragraph C of this section.

COMMENT: We recommend a gross receipts tax because sales taxes are preempted by the Bradley-Burns Uniform Local Sales and Use Tax. Practically, consumers may not see much difference, they may see an amount on their purchase receipts listing the tax and may not think of it any differently than a sales tax. There is an important technical, legal difference, though. A business license tax is an excise tax (a tax on the privilege of doing something) on those who do business in a community. Such taxes are commonly, but not always, based on gross receipts.

This language will authorize the jurisdiction to levy gross receipts taxes of up to 15% without returning to the voters. However, taxes can start lower and be raised as the price of cannabis begins to fall post legalization, which is what has happened in other states, until attaining the limit. As time passes and legalization consolidates, the cannabis tax should be used more like a tobacco tax, with the goal of reducing initiation of use and consumption, especially youth consumption, while raising revenue for prevention measures which are generally highly cost-effective. This model can be applied to adult use cannabis, medical cannabis or both. Cities and counties can adjust the tax differently across sectors or products depending on community priorities.

- B. [Option 2] In addition, there is hereby imposed on every cannabis business in the [City/unincorporated area of the County]:
- a. an additional tax of up to one percent (1%) of the gross receipts from high potency cannabis and each high potency cannabis product cultivated, manufactured or sold by the taxpayer, multiplied by the percent of tetrahydrocannabinol (THC) content of the product above 17%; and,
 - b. an additional tax of 20% of gross receipts from sweetened cannabis beverages.

By way of illustration, and without limitation, a retailer who sells a cannabis product with 70% THC content earning gross receipts of \$1,000 will pay a \$530 tax under this paragraph B (70% minus 17% = 53% times \$1,000 = \$530) in addition to the tax imposed under paragraph A and a grower who sells high potency cannabis flower with 28% THC content, generating gross receipts of \$1,000 will pay a tax of \$110 (28% minus 17% = 11% times \$1,000 = \$110), in addition to the tax imposed under paragraph A.

COMMENT: This option is not a complete alternative to paragraph A, but an optional addition to it.

In the 1960s and 70s, marijuana flower had about 4% THC, but potency has greatly increased and today is between about 16 and 28% in stores with the higher potencies associated with more negative effects.⁴¹ Commercial extracts fall mostly in middle ranges but some very high potency products, such as shatter for “dabbing” (vaporizing highly concentrated cannabis by placing it on a heated “nail” and inhaling intensely) are over 90% THC. If a jurisdiction prohibits sale of very high potency products, as proposed in the Model Local Ordinance for Cannabis Retailing and Marketing,

then this higher tax on retail sale of high potency products above 50% THC, or flower above 20% (those suggested not to be allowed for sale) will not be used, but would still be applied for flower between 17% and 20%. If their sale is allowed, then we recommend adopting higher rates for high potency products [Option 2] immediately to discourage their cultivation, manufacturing and consumption.

Similarly, cannabis manufacturers and retailers may be seeking to attract youth by marketing “cannapops” similar to “alcopops,” and mimicking already unhealthy common sugar-sweetened beverages like orange soda, heavily consumed by youth. Because of the documented attraction of such products to youth, we recommend not allowing their sale, or if allowed, imposing a higher taxation rate.

- C. There is hereby imposed on every cannabis business engaged in commercial cannabis cultivation in the [City/unincorporated area of the County], an annual tax in an amount established from time to time by resolution of the [City Council/Board of Supervisors] which does not exceed either [ten] dollars [\$10] per square foot of cannabis cultivation area or fraction thereof. The maximum square foot tax shall be adjusted annually (and rounded to the nearest cent) each January 1st based on the year-over-year percentage change in Bureau of Labor Statistics [region] Consumer Price Index – All Urban Consumers (CPI-U) October to October comparison, or if such index is discontinued, a comparable or successor consumer price index designated by the [City Council/Board of Supervisors]. The tax shall be due and payable in monthly installments.

COMMENT: The U.S. Department of Labor’s Bureau of Labor Statistics publishes a number of consumer price indices. It updates the Los Angeles index month, the San Francisco bimonthly and the San Diego index every six months. It also provides a monthly index for the Western United States. A city or county might choose one of these indices to adjust the cultivation tax for inflation.

- D. The [City Council/Board of Supervisors] may by resolution, in its discretion, implement tax rates lower than the maximum rates established in subsections (A) through (C) of this section for all persons engaged in a cannabis business in the [City/unincorporated area of the County], including establishing different tax rates for different categories of cannabis business, including for medical versus adult recreational use or for products of different potencies. The [City Council/Board of Supervisors] may, by resolution, also decrease or increase any such tax rate from time to time, provided that the tax rate shall not, at any time, exceed the maximum tax rates established in subsections (A) through (C) of this section.

COMMENT: In general we recommend using a maximum tax rate that does not impede the transfer to the legal market. It appears likely given that California’s supply far outstrips in-state demand that taxation will not be the main determinant of shift to the legal market, although the cannabis industry may so claim. A fall in prices in Washington post-legalization occurred despite taxation and greatly exceeded the magnitude of the tax. Supply in Washington, for example, is also estimated to be increasing by 60% in 2017 over 2016, further lowering prices in the legal market.⁴²

Sec. [XX.040]. Registration of Cannabis Business.

- A. All persons engaging in a cannabis business, whether an existing, newly-established or acquired business, shall register with the [City Manager's/County Administrative Officer's] office by the later of:
1. 30 days after commencing operation or
 2. January 1, 20[XX] and shall annually renew such registration on or before the anniversary of the initial registration for that business.
- B. Registrants shall furnish to the [City Manager/County Administrative Officer] a statement sworn under penalty of perjury, upon a form provided by the [City Manager/County Administrative Officer], setting forth:
1. Every name under which the business engages in commercial cannabis activity in the [City/unincorporated area of the County];
 2. The names and addresses of every person who is an owner, principal or manager of the business;
 3. The nature or kind of all business activity to be conducted;
 4. The place or places whether or not in the [City/unincorporated area of the County] where such business is to be conducted; and
 5. Any further information which the [City Manager/County Administrative Officer] may require.

COMMENT: Creating an additional registration mechanism is optional and may be unnecessary for those cannabis businesses for which cities or counties require registration via a land use or other regulatory ordinance. This provisions allows registration on the later of 30 days after starting business or the start of a year to be determined when the tax is adopted. The deadline will be clear and mandatory either way. It is not an option for the business. The purpose for asking where the business operates outside the City or County is not to regulate or tax its activity there, but to allow the taxing jurisdiction to ensure the taxpayer accurately reports commercial activity in the taxing jurisdiction.

- C. Registrants shall pay an annual registration fee in an amount established from time to time by resolution of the [City Council/Board of Supervisors] to recover the [City/County]'s costs to implement the registration requirement of this section, and the other provisions of this chapter other than the duty to pay tax when due. As a regulatory fee, such fee shall be limited to the [City/County]'s reasonable costs for those activities. The [Finance Director] may provide by a regulation adopted pursuant to section XX.120 of this chapter for waivers of the annual registration fee for one or more years for any class of cannabis businesses if such a waiver will facilitate elimination of the illegal market in cannabis in the [City/unincorporated area of the County] or to facilitate participation in the cannabis market by low-income persons.]

COMMENT: This section requires cannabis businesses to register with the City or County and to provide information to be used in enforcing the tax. That information may also be required under a zoning ordinance or another ordinance of the City or County regulating cannabis businesses and, if so, this optional section can be deleted. If not, we recommend including it as it will produce information useful in enforcing the tax and, perhaps, other City or County regulations of cannabis business activity.

The last sentence, allowing waivers of registration fees by rule, is intended to overcome resistance of some black-market businesses to coming into the legal market, by lowering their cost to do so. The Model Ordinance for Local Cannabis Retailing and Marketing in California, based on work in Oakland and Sacramento, recommends the creation of a class of *equity applicants* for cannabis business permits, to encourage maintaining revenue from the cannabis industry in low-income communities (see www.gettingitrightfromthestart.org). If your jurisdiction adopts such a measure, we recommend waiving or deferring registration fees for the first year for those businesses. This ordinance refers to “low-income persons” to avoid identifying the benefited population on the basis of race or where they live. The first may violate Proposition 209, which forbids affirmative action by California governments, and the second may violate the “right to travel” under the State and federal Constitutions.

The fee cannot recover the cost of collecting the tax itself as the Court of Appeal has concluded that a fee to fund enforcement of a tax is itself a tax.

Sec. [XX.050]. Payment Obligation.

All persons subject to a tax under this this chapter shall pay that tax regardless of any rebate, exemption, incentive, or other reduction set forth elsewhere in this code, except as required by state or federal law. Failure to pay such a tax shall be subject to penalties, interest charges, and assessments as provided in this chapter and the [City/County] may use any or all other code enforcement remedies available at law or in equity to enforce this chapter. No provision of this code shall be interpreted to reduce a tax rate established under this chapter or otherwise reduce the taxes paid hereunder unless the provision specifically expresses that reduction.

Sec. [XX.060]. Tax Payment Does Not Authorize Activity.

The payment of a tax imposed under this chapter shall not be construed to authorize the conduct or continuance of any illegal business or of a legal business in an illegal manner. Nothing in this chapter authorizes or implies the lawfulness of any activity connected with the distribution or possession of cannabis unless otherwise authorized and allowed in strict and full conformance with this code. Nothing in this chapter shall be applied or construed as authorizing the sale of cannabis.

Sec. [XX.070]. Cannabis Tax Is Not a Sales Tax.

The tax imposed by this chapter is upon the privilege of conducting business within the [City/unincorporated area of the County]. It is not a sales tax or use tax.

COMMENT: This ordinance assumes the tax will apply in a city or in the unincorporated area of a county, Revenue & Taxation Code section 34021.5(a)(4) allows a county to impose a county-wide tax with the approval of the County-wide electorate. City opposition to such a tax might well persuade voters to reject it, however, and counties may therefore wish to consult with cities, especially as to the use of tax revenues, before proposing a county tax to be collected within cities. This ordinance can be easily adapted to serve as a county-wide tax if one is desired.

Sec. [XX.080]. Returns and Remittances.

The Tax shall be due and payable as follows:

- A. Each person owing tax under this chapter shall provide a tax return to the [City Manager/County Administrative Officer] on or before the last business day of each month stating the tax owed for the preceding month and the basis of its calculation. The taxpayer shall remit the tax owed to the [City Manager/County Administrative Officer] when the return is due whether or not a return is filed as required.
- B. All tax returns shall be completed on forms provided by the [City Manager/County Administrative Officer].
- C. Tax returns and payments for all outstanding taxes, fees, penalties and interest owed the [City/County] are immediately due upon cessation of business for any reason.
- D. Whenever any payment, statement, report, request or other communication is received by the [City Manager/County Administrative Officer] after the time prescribed by this section for its receipt, but is in an envelope postmarked on or before the date prescribed by this section for its receipt, the [City Manager/County Administrative Officer] shall regard such payment, statement, report, request, or other communication as timely. If the due date falls on Friday, Saturday, Sunday, or a day when [City/County] offices are not open for business, the due date shall be the last business day before that due date.
- E. Unless otherwise specifically provided by this chapter, the taxes imposed by this chapter shall be delinquent if not paid on or before the due date specified in subsection A of this section.
- F. The [City Manager/County Administrative Officer] need not send a delinquency or other notice or bill to any person subject to a tax or fee imposed by this chapter and failure to send such notice or bill shall not affect the validity of any tax, fee, interest or penalty due under this chapter.

Sec. [XX.090]. Use of Proceeds; Audits.

- A. The proceeds of the tax imposed by Section [XX.030] shall be deposited in a special account to fund the purposes stated in Section [XX.010] in the percentages provided there.
- B. The [Finance Director] shall arrange for an annual independent audit of the receipts and expenditures of the special account, and the status of any project funded by that account, in compliance with California Government Code Section 50075.3. He or she shall share that audit report with the [City Council/Board of Supervisors] and make it available for public inspection.
- C. [Counties only or cities with health departments: Expenditures from the special account shall be managed by the [County Department of Public Health].]

Sec. [XX.100], Special Tax Community Advisory Board

A. The [City Council/Board of Supervisors] shall establish a Special Tax Community Advisory Board of nine residents of the [City/County unincorporated area] to recommend priorities for funding, make annual recommendations on the spending of tax proceeds under this chapter, recommend appropriate efforts to evaluate previous expenditures, and to review the annual report and related records and to make such other comments and other recommendations as the [City Council/Board of Supervisors] may request to ensure compliance with this Chapter. Spending decisions shall remain with the [City Council/Board of Supervisors] which may choose not to accept any particular recommendation of the Special Tax Community Advisory Board.

1. The Board shall have at least one public health professional, one expert in addiction or substance use prevention and treatment, one physician, a representative of a community based organization, a representative of community clinics, a school nurse or school-based mental health professional, a representative of a community based organization serving low income people, the county health officer or his or her designee. At least two members shall be residents of communities disproportionately affected by drug-related incarceration.

COMMENT: These criteria will be workable for large cities and urban counties. Rural counties and smaller cities should consider whether all of these skill sets are available in their communities in sufficient numbers that the commission can be staffed over time and adjust as needed.

2. Members shall serve four-year terms. No member shall serve more than 2 consecutive four-year terms. The initial four-year term shall commence when the first 6 members have been appointed.
3. Presence of 5 members shall constitute a quorum.
4. Unexcused absence from three consecutive meetings or from four meetings during a calendar year shall constitute resignation from the Board.
5. Members of the Board shall be subject to all applicable conflicts of interest provisions under local and state law. No person employed in the cannabis industry, or who has an economic interest in that industry which would be required to be reported on an annual statement of economic interests (Form 700) under the Political Reform Act shall serve on the Board.
6. Members of the Board shall serve without pay.
7. The Board shall meet at least quarterly.
8. The [City Manager/County Health Department] shall provide clerical assistance and administrative and technical support to the Board. All [City/County] agencies, departments, boards and commissions shall reasonably assist and cooperate with the work of the Board as directed by the [City Manager/County Administrative Officer].

COMMENT: The cannabis industry is excluded from the community advisory board because the board will have to make recommendations on funding for community measures to reduce substance abuse and to educate community members. This may necessarily include, for example, educating the public on harms associated with cannabis use. The presence of the industry would therefore constitute a conflict of interest in relation to reducing risks of substance abuse.

- B. The Board shall advise and make recommendations on how to best to spend funds subject to section XX.010 B of this chapter to the [*City Council/Board of Supervisors*]:
 1. Prevent cannabis consumption by youth, during pregnancy or in excessive or harmful ways;
 2. Prevent other forms of substance abuse or addiction;
 3. Prevent other leading causes of illness, injury and premature death in the community whether or not arising from cannabis use; and/or
 4. Promote wellness and reduce inequity in health conditions.

- C. The Board shall advise and make recommendations on how to best to spend funds subject to section XX.010 C. of this chapter to the [*City Council/Board of Supervisors*] to meet other specified priorities to reduce negative social impact of substance abuse and reduce incarceration, including:
 1. Support to diversion programs to reduce new drug-related incarceration;
 2. Programs to assist residents in expungement or reclassification of records of marijuana convictions allowable pursuant to MAUCRSA;
 3. Re-entry programs for those released from incarceration to avoid recidivism;
 4. Job training programs and other community-based and educational programs, especially those which will minimize drug-related incarceration.

- D. Funded activities may include promoting or implementing policy, systems or environmental changes to create a healthier community or to reduce drug-related incarceration, providing education, or community-based programs serving residents of the [*City/unincorporated area of the County*] with a focus on low-income communities.

Sec. [XX.110]. Refunds.

- A. No refund shall be made of any tax collected pursuant to this chapter, except as provided in this section.

- B. No refund of any tax collected pursuant to this chapter shall be made because of the discontinuation, dissolution, or other termination of a cannabis business.

- C. Any person entitled to a refund of sums paid under this chapter may elect to have such refund applied as a credit against future obligations under this chapter.

- D. Whenever any tax, fee, penalty, or interest under this chapter has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the [*City/County*], such amount shall be refunded to the person who paid the tax upon a timely written claim for refund filed with the [*City manager/County administrative officer*].

- E. The [*City manager/County administrative officer*] may examine and audit all the books and business records of the claimant to determine eligibility to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of the claimant's books and business records.

- F. A sum erroneously paid under this chapter due to an error of the [*City/County*] shall be refunded to the claimant in full upon a timely claim. If an error is attributable to the claimant, the [*City/County*] may retain an amount established by resolution of the [*City Council/ Board of*

Supervisors] from time to time in an amount sufficient to recover the [*City/County*]'s cost to process the claim and refund the balance.

Sec. [XX.120] Administration of the Tax

- A. It shall be the duty of the [*Finance Director*] to collect the taxes, penalties, fees, and perform the duties required by this chapter.
- B. The [*Finance Director*] may from time to time promulgate such administrative rules and procedures consistent with the purpose, intent, and terms of this chapter as he or she deems necessary to implement or clarify it to or aid in its enforcement. He or she shall give notice of those regulations as required for ordinances of the [*City Council/Board of Supervisors*] and such regulations shall take effect upon such notice unless otherwise provided by a particular regulation.
- C. The City Treasurer may take such administrative actions as needed to administer the tax, including but not limited to:
 - 1. Provide information to any taxpayer concerning this chapter;
 - 2. Receive and record all taxes remitted to the [*City/County*] as provided in this chapter;
 - 3. Maintain records of taxpayer reports and taxes collected pursuant to this chapter;
 - 4. Assess penalties and interest to taxpayers pursuant to this chapter;
 - 5. Determine amounts owed and enforce collection pursuant to this chapter; and
 - 6. Take such other reasonable steps as he or she deems necessary and appropriate to enforce this chapter.

Sec. [XX.130] Consistency with Business License Tax

The [*City Council/Board of Supervisors/People*] of the [*City/County*] of _____ intend this chapter to be enforced consistently with [*article/chapter*] of this Code and any rule or regulation promulgated under that [*article/chapter*] except as expressly provided to the contrary in this chapter.

COMMENT: This is a reference to the general business license tax of the City or County.

Sec. [XX.140] Constitutionality and Legality; Not a Sales Tax; Gann Limit

- A. This tax is intended to be applied consistently with the United States and California Constitutions, state law [*and the City Charter*]. The tax shall not be applied so as to cause an undue burden upon interstate commerce, a violation of the equal protection and due process clauses of the Constitutions of the United States or the State of California, or a violation of any other provision of applicable law.
- B. The taxes imposed under this chapter are excises on the privilege of engaging in commercial cannabis activity in the [*City/unincorporated area of the County*]. It is not a sales or use tax and shall not be calculated or assessed as such. Nevertheless, at the option of a commercial cannabis business, the tax may be separately identified on invoices, receipts and other evidences of transactions.

- C. [Pursuant to California Constitution, article XIII B, the appropriation limit for the [City/County] is hereby increased to the maximum extent over the maximum period of time allowed under law by the amount of the revenues generated by the tax.]

COMMENT: This section references a city's or county's Gann limit and may not be needed, but will do no harm if it is not. If it is needed, it will be essential.

SECTION IV. Amendment

To the extent allowed under Article XIII C of the California Constitution, this Ordinance may be amended by the [City Council/Board of Supervisors] without a vote of the people, except that voter approval shall be required for any amendment which:

- A. Increases the tax, within the meaning of Government Code section 53750(h), beyond the levels authorized by this chapter;
- B. Reduces the tax rate below:
1. [x] percent (x%) of gross receipts,
 2. \$y per square foot of cultivation, or
 3. [z] percent (z%) of retail sales of high-potency products, or
- Significantly reduces the base of business activity subject to tax; or
- C. Substantively changes the statement of purpose in section [XX.010].

SECTION V. Severability

If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this Ordinance shall nonetheless remain in full force and effect. The [City Council/Board of Supervisors/People] of the [City/County] of [] hereby declare [it/they] would have adopted each section, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable and, to that end, the provisions of this Ordinance are severable.

SECTION VI. California Environmental Quality Act Requirements

This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*, because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)) and because the Ordinance involves the approval of government revenues to fund existing services (Pub. Resources Code § 21080, subd. (b)(8); CEQA Guidelines § 15273(a)(4)). It does not make any commercial activity lawful not commit the [City/County] to fund any particular activity.

SECTION VII. Effective Date

This Ordinance shall take effect 10 days after the certification of its approval by the voters at the Election pursuant to Elections Code section [9217 / 9122].

COMMENT: 10 days after certification of election result is the soonest a ballot measure may take effect. It may make sense to delay the effective date to the start of a month or quarter to facilitate administration of the tax and to give taxpayers time to comply.

SECTION VIII. Certification; Publication

Upon approval by the voters, the [*City Clerk/Clerk of the Board of Supervisors*] shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

* * * * *

It is hereby certified that this Ordinance was duly adopted by the voters at the [date] Election and took effect 10 days following adoption of a resolution declaring the results of the election at a regular meeting of the [*City Council/Board of Supervisors*] held on [date] by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST: [NAME]
[CITY CLERK / CLERK OF THE BOARD OF SUPERVISORS]
[CITY / COUNTY] OF _____

BY: _____

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MINUTES OF DECEMBER 4, 2018

REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL
AND THE BOARD OF SANITARY DISTRICT NO. 2,
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA

Mayor Ravasio called the Regular Meetings to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on December 4, 2018 at 6:32 p.m.

1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL

Councilmembers Present: Mayor Ravasio; Vice Mayor Andrews and Councilmembers Bailey, Beckman and Kunhardt

Councilmember Absent: None

Staff Present: Town Manager Todd Cusimano
Town Attorney Teresa Stricker
Planning Director Adam Wolff
Senior Planner Phil Boyle
Planning Consultant Sean Kennings
Public Works Director Peter Brown
Senior Civil Engineer Jared Barrilleaux
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

SALUTE TO THE FLAG – Mayor Ravasio led in the Pledge of Allegiance.

CLOSED SESSION

1.1 Report out of Closed Session from November 5, 2018 Town Council meeting:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Closed Session Pursuant to Cal. Gov't Code Section 54957
Title: Town Manager

Mayor Ravasio announced there was no reportable action taken from the November 5, 2018 Closed Session.

2. OPEN TIME FOR PUBLIC COMMENT - None

3. PRESENTATIONS – None

4. CONSENT CALENDAR

4.1 TOWN ITEMS

Town Manager Todd Cusimano requested removal of Item 4.I.vi and asked that it be continued to the next meeting. He also clarified that for Item 4.I.v, staff is requesting the Council “delegate the authority to the Public Works Director to approve”, as there is no current agreement in place to date.

4.1.i Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.

(Standard procedural action – no backup information provided)

4.1.ii Approval Of Necessary Funds For Two Newly Elected Councilmembers To Attend League Of California Cities New Mayors and Council Members Academy January 16-18, 2019 In Sacramento, California

(Report from Rebecca Vaughn, Town Clerk)

- 4.I.iii Second Reading and Adoption of Ordinance No. 979, An Ordinance of the Town of Corte Madera Amending Chapter 19.01 of the Corte Madera Municipal Code Entitled "Social Host Accountability Ordinance" to Add Controlled Substances and Marijuana, Include Party Buses and Limousines and Add Provisions for Requiring Participation by Offenders in a Restorative Justice Program
(Report from Todd Cusimano, Town Manager)
- 4.I.iv Adopt Resolution No. 63/2018 (1) Endorsing the Tidalwaves Swim Team, (2) Allowing Temporary Signs in the Public Right-of-Way from January 1, 2019 to February 15, 2019 Publicizing Registration for the Upcoming Tidalwaves Swim Season; and (3) Determining that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3).
(Report from Tracy Hegarty, Administrative Analyst)
- 4.I.v Authorize Delegate the Authority of the Public Works Director to Approve of the Amy's Drive Thru Grading and Drainage Permit Once Permit Conditions Are Met.
(Report from Jared Barrilleaux, Senior Civil Engineer and Peter Brown, Director of Public Works)
- 4.I.vi Adopt Resolution 64/2018 Extending the Bicycle and Pedestrian Advisory Committee (BPAC), Currently Scheduled to Sunset on December 31, 2018, through December 31, 2020 - CONTINUED
(Report from Rebecca Vaughn, Town Clerk/Assistant to the Town Manager and Peter Brown, Director of Public Works)
- 4.I.vii Receive and File General Fund Revenue and Expenditure Report for October 2018
(Report from Daria Carrillo, Finance Director)
- 4.I.viii Approval of Minutes of the November 5, 2018 Regular Town Council Meeting

MOTION: Moved by Andrews, seconded by Andrews, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To approve Town Consent Calendar Items 4.I.i, ii, iii, iv, v (as amended), vi (continued) vii, and viii.

4.II SANITARY DISTRICT ITEMS - None

5. PUBLIC HEARINGS:

- 5.1 Public Hearing to Consider Introduction of an Ordinance Amending Ordinance No. 956 by Amending and/or Adding Sections 16.10.060 (b); 16.10.070 (d), (e); 16.10.080 (a), (c); and 16.10.100 of Title 16: Protection of Flood Hazard Areas of the Town of Corte Madera Municipal Code
(Report from Jared Barrilleaux, Senior Civil Engineer)

Public Works Director Peter Brown stated the community prides itself on preparedness through a number of measures, and the Department of Water Resources (DWR) had recently performed an audit. The Town is also member to a community rating system which allows flood insurance discounts for homeowners. DWR provided recommendations and staff is presenting these in the revised ordinance.

Senior Civil Engineer Jared Barrilleaux stated staff met with DWR a couple of months ago,

provided updates and recommendations to include in the Town's flood prevention ordinance which is before the Council. He described revisions as contained in the redlined ordinance which provides clarification to language.

Vice Mayor Andrews questioned the new coastal high hazard areas and asked if the Town had any of these and if so, where?

Mr. Barrilleaux replied that over the Bay water within Town limits there are areas of the coastal high hazard area. It is nothing that falls on land so if there are any piers or docks extending beyond the shoreline these could be subject. He said he also requested clarification and found that if at any time in the future an area is formed, it will be covered in the ordinance.

Councilmember Bailey asked and confirmed Mr. Brown is the Town's Flood Plain Administrator. He noted that he has delegated authority to Mr. Barrilleaux and the other engineers for permit review and adherence to requirements.

Vice Mayor Andrews asked which parts of Corte Madera would be deemed by FEMA, or the DWR, where flood management infrastructure designed to protect the land is not adequate to avoid risks of flooding.

Mr. Brown stated this is language that captures the Town's most vulnerable areas. If they did not have the current infrastructure in place, the Town would most likely not meet that requirement.

Mayor Ravasio opened the public comment period, and there were no speakers.

MOTION: Moved by Bailey, seconded by Beckman, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To introduce and waive first reading of the Ordinance Amending Ordinance No. 956 by Amending and/or Adding Sections 16.10.060 (b); 16.10.070 (d), (e); 16.10.080 (a), (c); and 16.10.100 of Title 16: Protection of Flood Hazard Areas of the Town of Corte Madera Municipal Code

4.II SANITARY DISTRICT ITEMS – None

6. BUSINESS ITEMS

6.1 TOWN BUSINESS ITEMS:

6.1.i Presentation and Discussion of the Development of a Town Ordinance Regulating Cannabis Related Businesses and Cultivation of Cannabis for Personal Use

(Report from Phil Boyle, Senior Planner)

Senior Planner Phil Boyle gave the staff report and overview of the item regarding the Town's potential development of an ordinance regulating cannabis related businesses and cultivation of cannabis for personal use. He noted late correspondence was received from Marin County, the Coalition Connection, and several handouts and items from Peter Chase, Chair of the Planning Commission. He then introduced Planning Consultant Sean Kennings who has been working on the project with him.

Mr. Boyle gave a PowerPoint presentation regarding background of the matter, state and federal issues and regulations, local issues and the public survey. Staff's goal in review of this matter was to hold workshops, provide information, share resources and gather opinions. Since the start of review, the Town has had a cannabis ordinance web page on the Town's website which has provided information on the matter, with various links as well.

He outlined the process, stating two public workshops were held in September, a public survey was posted to the website from September to October and the Planning Commission received a similar presentation as tonight on October 23, 2018. Staff's goal is to create an ordinance prior to September 2019 given the moratorium and prohibition will cease.

Mr. Boyle then provided a background on cannabis definitions, ingredients, consumption methods, medicinal cannabis which is not considered a legal drug by the federal government and a history of major cannabis adopted laws in California. He then described local control of indoor and outdoor cultivation, authority to prohibit and restrict medicinal and non-medicinal businesses which the Town has done, impose taxation and determine types of licenses.

In response to Proposition 64, the Town established its urgency ordinance prohibiting cannabis businesses which will expire September 19, 2019. Prior to its expiration the Town will write its own ordinance. Regarding what is allowed in Corte Madera and other jurisdictions he mentioned that one can consume cannabis if 21 years of age or older unless for medicinal purposes, can possess 2.5 grams or about 1 ounce of non-concentrated cannabis or 8 grams of concentrated cannabis products as well as various accessories.

In terms of cultivation, one is allowed to cultivate 6 plants for personal use, an additional 12 immature plants with a medicinal card, and this cultivation must be within the private residence or on private property. Currently, delivery is allowed in Corte Madera from other jurisdictions.

What is not allowed is consuming cannabis in a public place, in a vehicle or driving under the influence, smoking or vaping cannabis where tobacco is prohibited and providing cannabis to minors. However, employees may require a drug-free workplace much like an employer can prohibit tobacco smoking even though tobacco is legal. Smoking of cannabis within 1,000 feet of a school or daycare center is also prohibited. Commercial uses are prohibited except for deliveries. Possession over the legal limits and/or on the grounds of a school or a daycare center is prohibited.

Councilmember Kunhardt asked Mr. Boyle if he saw the article in the Marin IJ about THC-V, which is a new variant that has some medicinal qualities to it. Mr. Boyle said he did not, but will review the article.

Planning Consultant Sean Kennings said he would provide the second half of the presentation, stating the purpose is development of the ordinance if the Town were to allow potential business licenses, cultivation and indoor and/or outdoor cultivation. He stated the basic activities to consider are medicinal sales, non-medicinal sales, adult use, and delivery into town or delivery licenses where people have a business to deliver, have a storefront, manufacturing, testing, and cultivation aspects.

There are 19 types of licenses administered by the state and to be a business one would have to have a state license and also a license from the Town. There is retail which is storefront and retailer non-storefront which is typically a delivery business. The distributor is the transport of product and they would distribute it to the retailer. Testing is done to ensure products are of certain standards. There could also be the instance where a distributor, a testing facility, and retailer in one facility, but there are specifications for these types of microbusinesses.

Mr. Kennings then described retail medicinal and non-medicinal dispensaries and stated that the Council should determine whether it wants to continue prohibiting these dispensaries or explore permitting these facilities and if so, finding an area where they could locate. State law requires a 600 foot buffer between schools and youth centers.

Deliveries would have to be to a physical address. Additionally, certain businesses must

register and show their I.D. and the person purchasing the product must show I.D. to receive it. Delivery vehicles are very non-descript and for the delivery aspect, if the Council would allow someone from Corte Madera to hold a delivery business that would mean the product can be transported in and out of town. Currently, the Town does not prohibit delivery into town because per state law, delivery vehicles are allowed to use town roads, and state law will be modified soon to allow deliveries into town such that towns could not prohibit delivery into communities.

Processing and testing facilities are of a light industrial use and he displayed one in Novato and one in Berkeley. The Council would need to review where these types of locations would go in town and how they would look and create regulations for allowing them to exist.

Regarding personal cultivation, state law allows individuals to grow 6 plants indoors which cannot be prohibited. For a multi-unit parcel, it is on one property and not multiple residences; however, for a multi-family property, the owner can prohibit indoor cultivation.

The Town can reasonably regulate indoor cultivation but the Town can also regulate and prohibit outdoor cultivation. The Council could explore regulations for indoor cultivation such that an individual would have to come in and get a permit so there can be management of a database, determination of electrical power, ensuring there is no water damage or mold, not using more water than reasonably required for anyone having a greenhouse facility, complying with fire and building codes, ventilation and filtration systems, or tenants having authorization from their landlord.

The Town held two workshops in September where 18 Corte Madera residents attended the first workshop and 15 residents attended the second workshop. They made a similar presentation, fielded questions, had a lively discussion with about 50/50 for and against regulations.

He described public opinion received wherein from the survey 409 surveys were completed and 81% were residents of the Town.

Councilmember Kunhardt clarified he believed there were 81% homeowners and 14% renters. Therefore, there were more than 81% respondents.

Mr. Kennings stated part of the process is to identify what other jurisdictions in Marin are allowing, and while they focused on Marin County, Mr. Boyle discussed at the Planning Commission meeting, some of the Sonoma communities that are allowing retail and storefronts, but most cities allow for delivery into town. Some are medicinal only. Fairfax allows non-storefront businesses because they have a medicinal dispensary in town. San Rafael allows testing facilities for licenses, and Marin County allows for 4 delivery licenses throughout the county. Four communities allow outdoor cultivation with regulations. San Anselmo has an interesting provision where cannabis cannot be smelled by anyone with a normal sense of smell, and Marin County allows for medicinal cultivation. There are also cities with indoor cultivation with some degree of regulation.

Mr. Kennings concluded, stating the question is whether or not the Council wants to allow retail stores for medicinal, non-medicinal, delivery services, exploration of licenses for manufacturing, testing, distribution, and whether to allow for indoor cultivation with regulation and/or outdoor cultivation with regulation.

Councilmember Bailey asked for the number of permits issued in Marin County. Mr. Kennings stated Fairfax has one medicinal facility. The County has 4 delivery licenses, and San Rafael has 4 testing licenses as well as a delivery license.

Councilmember Kunhardt noted there have been 16 applications since San Rafael's

approval, but he was not sure how many have been granted, and he did not know whether any were for a storefront.

Councilmember Bailey referred to "reasonable regulations" and he asked what this was quoted from.

Mr. Kennings stated these are from the State's guidelines and cities cannot go beyond the State's allowances. Also, cities must allow for indoor cultivation but can also reasonably regulate it based upon existing provisions to make it consistent with a city's fire code, building permits, etc. Mr. Boyle added that the list is what other jurisdictions have agreed as reasonable.

Town Attorney Teresa Stricker stated the initiative measure, ALMA (Adult Use of Marijuana Act) that legalized adult use in California makes clear that jurisdictions cannot reduce down from the 6 plants per residence allowance, although a landlord can prohibit this. SB 94 also consolidates what is going on separately with medicinal and non-medicinal, where jurisdictions can reasonably regulate conditions for allowing that type of indoor growth.

Vice Mayor Andrews said if the Council was to issue a license for indoor cultivation he asked if this information would be available through a Public Records Act request, and Ms. Stricker said yes.

Ms. Stricker then referred to Slide 23 and noted the two columns on the far right; outside and inside cultivation talks about cultivation for personal use and not about commercial use. Currently, the Town does not allow any commercial cultivation. The State is clear that once getting over a certain amount, whether or not one thinks they are a business, they are a business per the State and they would need a license from the State and would also need to comply with whatever commercial requirements there are.

Mr. Boyle then highlighted the summary of the October 23 Planning Commission hearing. Overall, the general consensus was that the Town should allow indoor cultivation as allowed by the State. The Commission did not express a desire to impose additional regulations. They also felt delivery businesses should be allowed to bring products into the Town and that no other types of cannabis businesses should be allowed within the Town. Other items discussed included buffers between commercial cannabis and residential uses where the State's suggested 600 feet could be increased. There was also discussion about whether either one of the shopping malls had any interest of having any types of cannabis businesses and neither felt their ownership was interested at this time.

There was a general concern expressed by the Commission and the public about potential impacts of having cannabis in Town and its impact on minors, as well as normalization of cannabis which many people likened to alcohol use. He lastly presented survey results and statistics as outlined in the staff report and said staff is seeking direction from the Council in drafting the Town's ordinance.

Councilmember Bailey said he found the August 6, 2018 article in the Marin IJ, which states the City of San Rafael has granted licenses to 16 cannabis businesses. Mr. Boyle said he was not aware they had granted that many licenses but this is not to say that many businesses have opened, but he could obtain more details.

Mayor Ravasio asked and confirmed the survey was voluntary and therefore not necessarily a representative sample of the Town's population but instead a sample of those interested.

Mr. Kennings clarified this is not a statistically significant sample and it does not represent the entire population fairly, but at the same time there is some representation from the data.

Councilmember Kunhardt stated he acknowledges there were many different ways of reaching out to people. He went on-line and searched what a statistically significant number would be if one were to conduct a survey of either 6700 registered voters or 9800 people which Corte Madera both has. Interestingly, to get a statistically significant sample of either populations, 363 to 370 people would constitute a statistically significant sample with a 95% confidence of reliability within plus or minus 5 percentage points.

Mr. Kennings interjected that in order for it to be statistically significant, it must be a random sample. They did have a high number of respondents, but if they are not selected randomly from the population they can have a confidence interval of anything above zero.

Councilmember Kunhardt also commented out that 5% of the total were 30 and under in age.

Councilmember Beckman asked and confirmed that public intoxication by cannabis is illegal.

Mayor Ravasio asked what the sales tax implications are of other cannabis businesses in the State.

Mr. Cusimano stated this is a moving target and he referred to discussion at the MCCMC event. It is a cash-only business and these businesses are not allowed to have bank accounts; however, legislation is now proposed where they could. Therefore, numbers are difficult to pinpoint. The most accurate is the delivery business and he said Sausalito did a recent survey on this and they found that if they had a delivery business inside and outside of that City, they estimated potential revenues to be somewhere in the \$300,000 range. But, again, cash-only is difficult.

Mr. Kennings stated he had numbers, noting San Diego has collected \$2.2 million and they project up to \$5.9 million. Sacramento is in the \$2.9 million range and Santa Rosa in their first quarter collected \$115,000.

Ms. Stricker clarified these are excise taxes on cannabis businesses and not sales taxes. In order to have an excise tax, the Town would need to go to the voters for a special business license on the privilege of doing business in the jurisdiction, and many of those measures have been quite successful. Local jurisdictions are pre-empted of imposing additional sales tax on businesses but not an excise tax.

Vice Mayor Andrews asked if there was a business in Town whether it would be covered by the existing sales tax and existing override tax or would a vote of the people be required.

Ms. Stricker confirmed that if the Council wished it to be an excise tax, the Council would need to go to the voters. If there was a business in town, she would need to review to what extent the existing sales tax would apply, due to restrictions on imposing sales tax on cannabis businesses.

Also, there are different costs and regulations for an excise tax and many jurisdictions have been successful in moving forward with a ballot measure that puts an excise tax on brick and mortar businesses within their jurisdictions. If the Council is not allowing these businesses, there would not be the need to place a measure on the ballot, and a delivery business would not apply.

Councilmember Bailey asked Ms. Stricker to define an "excise" tax.

Ms. Stricker said an excise tax is a tax for the privilege of doing business in the Town. Many cities have these in place as a business license tax but it is really an excise tax. A number of jurisdictions have created a special excise tax on the cannabis businesses because of the increased costs associated with regulating those businesses.

Councilmember Beckman asked and confirmed that cannabis businesses are not allowed to have bank accounts because they are illegal at the federal level.

Mayor Ravasio opened the public comment period.

PETER CHASE said he is speaking as a resident and not as a Planning Commissioner. He advocated that he did not think there was sufficient and appropriate data to move forward with creating an ordinance at this time. He submitted a number of reports and information before the Commission and that included a model ordinance for cannabis taxation in California. He referred to a website called, "Cannabinoid Clinical", it clarifies that currently there are only 4 cannabinoids approved by the FDA for use, but there are thousands of these drugs available in the U.S. Due to the Schedule 1 differentiation, cannabinoids are not being tested at the state, federal or any other level and they are growing. He therefore encouraged the Council to wait for more evidence to come forward that separates out either THC or CDBs.

He stated Schedule 1 drugs are those which have no medicinal value and can be abused by definition, so at this time, THC would fall under this category and CDB may not. But, the National Academy of Sciences (NAS) points out that marijuana is the second most abused drug in the U.S. after alcohol, is a public health problem and while the NAS acknowledges there is a therapeutic value to CDB, it has not been well defined.

Mr. Chase then presented a document called, "Model for Local Cannabis Taxation" which points out that cannabis policies should be grounded in public health protection. "...cautiously legalized to reduce the social harm of illegality with cannabis sale and consumption should not be normalized." He therefore asked that the Council wait and not take any action until additional information and products get better developed, better defined and are available.

LINDA HANN, Kentfield, said she works for the Coalition Connection working to reduce under-aged alcohol and drug use. There is a lot of public health research pointing to the negative impact of cannabis legalization in a community as well as a letter received from Dr. Matt Willis, the Public Health Officer documenting further public health detriment to the County, mainly amongst their youth which is her primary concern.

She commends Corte Madera for its due diligence and effort to put forward and seek input from the community and trying to determine what is best while adhering to the desires of voters. In moving forward, the Council's task will be to adopt policy that protects the community. She urged the Council to continue to seek input, research and data from other communities, as those that rushed into adoption experience higher rates of crime and other negative impacts.

The Coalition has also learned a lot from Colorado who has been at this for over 5 years. The most recent report from 2018 shows an increase in marijuana-related traffic deaths by 151% while all Colorado traffic deaths increased 35%. Since recreational marijuana was legalized, traffic deaths that tested positive for marijuana more than doubled. Colorado passed marijuana use for ages 12 and older which is ranked 3rd in the nation and is ranked 35% higher than the national average. The yearly rate of emergency hospital visits related to marijuana increased 52% after its legalization. And, while she can go on and on about the negative impacts, given what Colorado is experiencing, she urged the Council to learn from those who have legalized it and not put Corte Madera and neighboring communities at risk by not doing more to have indoor cultivation and delivery for medicinal purposes.

KAREN GERBOSI echoed comments of Mr. Chase and Ms. Hann. She referred to the survey and that a certain number of people responded. The Town does not know where they live, the age they are, that their usage is what it is, and they do not know if there are duplicates in responses. While the survey might show information, it is not scientific.

HENRY said he believes people worry about the welfare of the youth, of the future, and want to make sure cannabis is used safely and properly. They want to be sure their housing prices do not decrease because they fear a dispensary may raise crime which is warranted, but he thinks the Town should be progressive in how it regards its citizens and how they put things into their bodies.

He noted people have been involved with outdoor cultivation of cannabis for years in Corte Madera when medical marijuana was passed. He walks through every neighborhood in town and knows cannabis is being grown outside but he cannot see it or smell it, and it is discreet. There are millions of tax revenues from dispensaries and he asked that the Council consider the facts, be logical and not use red herring fallacies that appeal to the raw emotion.

Councilmember Bailey asked if Police Chief Norton could comment.

Chief Norton stated he has spoken at meetings in Larkspur and San Anselmo about the matter. In terms of delivery from a law enforcement perspective, police have known it has been going on for a long time from outside the jurisdiction and have not had any issues from those delivering from the outside, which is similar to Amazon. The trucks are not well marked; however, the concern he would have for locating a delivery service in Corte Madera is that it would become common knowledge where the origin is and given it is a cash business and his perspective may change if there's legislation passed and it is no longer a cash business.

Although Corte Madera has low crime, there is crime in town and they are an easy target and they are near the East Bay. His understanding of how deliveries work is that what would occur is that it would become common knowledge where the vans or vehicles are coming and going. Someone could be waiting for a car leaving with a shipment of edibles and marijuana or wait for cars returning and get a car full of cash.

He did not have any strong opinions on manufacturing, testing and processing. In terms of personal cultivation, indoor is allowed and he would be against placing restrictions on this other than what is in place because he did not think the Town's and CMPA's resources are set up to regulate this and it could encounter many Constitutional issues in terms of regulating it. The Fire Department may be involved with some electrical inspections which he thinks they already would be.

Regarding outdoor cultivation, since 1997 police occasionally have received a call where it is more of an odor issue or people put the plants downwind of the fence and it goes right into the neighbor's house. There has been discussion about keeping the plants very low at ground level, but every plant he has ever seen does not grow low and usually it pops up above the fence unless it is in a contained area. He knows in the summer during its harvest, it can get quite stinky where the police get called routinely as well as from it being visible from the street.

In terms of retail stores, he likes Amazon and things delivered, but people are in a day and age where anything regulated and delivered is feasible and possible so he did not think the Town needed a storefront at this time.

Mr. Cusimano stated the Town had a dispensary or two here in the past and he asked Chief Norton to comment on them.

Chief Norton stated he remembers working graveyard and having a few run-in's but these businesses popped up without a business license.

Mayor Ravasio interjected and stated they actually provided misinformation on their business license when they opened.

Chief Norton said in terms of these businesses, both were over on the Tamal Vista area across from the DMV. Police never had any issues with the businesses, but they began to find many juveniles they were in contact with had the marijuana from the businesses and their containers, but he did not think they sold to minors but instead, those over 18 were purchasing it and then selling it to the minors.

Councilmember Kunhardt asked if the Chief has an understanding of any increase or decrease in crime rates around this topic in Sonoma or elsewhere.

Chief Norton said he did not know what was occurring in Sonoma or Santa Rosa, but he did note that since legalization police has seen more of driving under the influence to the point where they must radically train officers. They did not see a tremendous spike with adoption of medicinal marijuana in 1996, but recently it has been a major problem and about half of the people they are pulling over and arresting for DUI now have at least some element of marijuana with them or are under its influence.

JAMES SERIFF, Larkspur, asked if he could obtain a copy of the survey and also its methodology.

Mayor Ravasio stated the survey and the staff report is on the Town's website.

ANDREW MIDDLEDITCH, Meadowridge, said he gave comments at an earlier working group and is a psychiatrist with a practice in San Francisco. He has tracked some of the research about marijuana and one of the growing concerns around it is it affects the teenage brain according to a new study that came out from the American Journal of Psychiatry last month. It studied and performed a battery of cognitive assessments of 3800 kids in the Montreal area from ages 13 to 17.

The study showed cognitive impairment in the short term around people reporting high levels of marijuana use, but what was most concerning about this study was that it was showing long-term impairments of a year or more involving working memory and impulse control among higher users of marijuana among the teenage population, suggesting a neuro-toxic effect. Therefore, there is a community safety concern around it that supports the notion of limiting normalization of marijuana by not having a public dispensary.

Mayor Ravasio returned discussion to the Council.

Councilmember Bailey said he appreciates all comments and it is his sense that he is always open to hear new information and to follow best practice, but he would not be inclined to expand the availability of marijuana within the Town beyond personal cultivation within indoor use which is currently allowed. He did not think it was an appropriate time to expand into the marijuana arena.

Mayor Ravasio added to Chief Norton's comments regarding the dispensary and use among youth, stating he was on the Council when the dispensary opened and misinformation was placed on their application for which the Town was involved. He noted that prior to attending a Council meeting one night, he asked his daughter, who was in high school at the time, if she had heard of the marijuana dispensary in town across from the DMV. She said yes; kids go there at lunchtime and they buy brownies and candy and they come back and sell them in the parking lot. Therefore, this informed him prior to going into Closed Session.

He disclosed he is the Co-Chair of the Coalition Connection and prior to that he chaired the Twin Cities Coalition for Healthy Youth. They were and still are trying to reduce alcohol and drug use among youth, so his major concern is illegal access. There is already an extremely high, above average use of marijuana among high school students and normalization and access would only drive that higher.

Another issue they have learned about and done a lot of studies on is the much higher levels of THC in marijuana which seems to be causing some additional issues. He would concur with Councilmember Bailey that he would not want to allow medicinal or non-medicinal use.

Councilmember Beckman thanked speakers for their comments and correspondence which have been helpful. He said his thoughts based upon what he has heard and learned thus far is that he recognizes the public health threat cannabis poses, which is a serious issue, but what he struggles with in terms of regulating it, is seeing the difference between cannabis and alcohol. If the Council is talking about regulating cannabis differently than they regulate alcohol he asked if this means they are acknowledging they are under-regulating alcohol.

Everybody has a somewhat different opinion on the relative dangers or harm of cannabis and alcohol, but there is a liquor store across the street from Town Hall and his perception is that while cannabis may already be a public health concern, his personal perception is that alcohol is much more of a public health concern, yet that is regulated less than what they are considering for cannabis. Therefore, he suggested the Council examine that issue.

Councilmember Kunhardt said his kids are much more informed and have repeatedly made the point that alcohol is sold everywhere in Town. If that is freely available and normalized, they question why a substance which is less dangerous to one's health and less dangerous to violence creation and other things be worthy of much tighter regulation.

Another challenge is that in 2016 the vote in the state was 57% in favor of Proposition 64. In Marin County it was 69.6% in favor which is overwhelming. There are very few measures that gain this much support in Marin County, so in this context he questioned whether the Town was being equally permissive or restrictive as they are with other aspects of life. He thanked staff for its outreach, workshops, and said one of the most valuable things was the National Academy of Sciences' assessment of the pros and cons of different forms of cannabis for treating pain, chemotherapy, multiple sclerosis, control of epileptic fits, and other kinds of spasm symptoms, potentially helping with PTSD and with the consumption of opioids, along with increases of accidents, DUIs and other issues with it. Therefore, there is no clear green light in the medical information and most importantly, Mr. Willis has indicated that there is not enough evidence and more time is needed.

He said it was clear that the Planning Commission was not interested in regulating indoors except for standard health and safety. But, one of the charts indicated whether or not the Planning Commission discussion said outdoor cultivation should or should not be allowed.

Vice Mayor Andrews said his impression is that the chief risk of marijuana when he was younger was if one got arrested and got a felony conviction, and he has friends who had experienced that. So, he was happy that California has de-criminalized it.

In terms of which businesses to allow in Corte Madera, he did not think they had enough information about which to allow and disallow. They know deliveries cannot be stopped so he continues to support not working on this. If the Council were to try to legalize any of these businesses, staff would be in the awkward position of figuring out state law and federal policy and not get in trouble and he would not want to put Town employees into that awkward position.

Therefore, he would support moving forward and continue to allow delivery. He did not think outside cultivation should be allowed and enforcement should be based on complaints. He suggested the Building Department look at whether the risks from indoor growing are sufficient enough that the Town should step up its regulations for electrical. But, his gut reaction is that what people do in the privacy of their own home is their own business.

Councilmember Kunhardt said the article in the Marin IJ is that THC-V exploration is advancing with FDA licensing. This is a unique piece of cannabis which has potential high promise for diabetes, weight control and other things. One of the things expressed as a risk is that people do not know what the contents are and how polluted it might be with pesticides and other things.

Therefore, he thought what was needed is adequate testing laboratories, certification, labeling and quality control. He would not be opposed to that appearing somewhere in Marin County or in an anonymous laboratory in Corte Madera if it adds significantly to the understanding of exactly what the contents are and what was being sold.

Councilmember Bailey said he was not a fan of cannabis retail stores in the Town but was supportive of delivery service continuing from outside into the Town. He did not think manufacturing and processing facilities were issues in the Town but did not support them being permitted at this time. He thinks all Councilmembers supported indoor cultivation, which is legal, but he was opposed to outdoor cultivation.

Mayor Ravasio echoed Councilmember Bailey and said that continuing to prohibit retail makes sense as normalization creates problems with youth in the community. He was supportive of some degree of regulation of electricity for cultivation at home due to risk of fire. He was supportive of continuing to allow delivery from outside of Corte Madera. He understands the point about processing and testing facilities as voiced by Councilmember Kunhardt, but the Town does not have large parcels for this anyway and he did not see the benefit of what would be a considerable expense and time trying to create a regulatory body and standards to control and enforce that. He would also like to see some regulation on outdoor cultivation if it causes nuisance problems.

Councilmember Bailey summarized that the Council does not yet have enough information, as well.

Vice Mayor Andrews added that once the Town legalizes a business, it is a lot harder to "un-legalize" it than to wait a few years and whatever current Council can make a decision. He agrees that Marin needs a testing facility, but the testing should be relatively close to where the distribution is. So, if Corte Madera will have testing, it should be near the processing facility and near the delivery point, which Corte Madera does not currently have space for.

Ms. Stricker said if the Council allows a business and a business comes in and sets up and the Council decides to pull it back, that business would have a non-conforming use and the Town would be stuck with that business until they decide to move on or close, or negotiate some monetary settlement. With respect to the list of actions, if the Council is unsure as to what it wants to do, she suggested being conservative given it will be difficult to "undo" whatever is done.

With respect to #1, she encouraged the Council to decide on this as well as #3. With respect to #2, the Town has delivery services under two categories; those located within the jurisdiction as a brick and mortar business and those located outside of the jurisdiction making deliveries inside where there is no non-conforming use problem.

Should the Council decide now or 3 years from now that it does not want to allow deliveries, the Council could pass a regulation to ban the delivery and there would be no non-conforming use issue because the business is not located here. They are simply servicing customers here.

With respect to #4; personal cultivation, there is no non-conforming use problem. The Council does not have a restriction but a restriction could be imposed. They could wait and see if there is an issue and then decide. Therefore, #4 and half of #2 pose no non-conforming use problems.

Councilmember Beckman stated Mayor Ravasio and Councilmember Bailey were supportive of continuing medicinal deliveries and he asked what their stance was for non-medicinal deliveries. Mayor Ravasio stated he did not think they could regulate it, so he confirmed there was consensus on the delivery issue.

Councilmember Kunhardt said as far as retail stores, he was as balanced as the public's view. In advance of a workshop and during a workshop, there were two senior residents who revealed they are beneficial users of CDB oil for pain reduction and have to drive to Fairfax to get that. He knows what is wrong with smoking and E-cigarettes, he did not know what was wrong with a business that sells oils and/or edibles as long as they are quality controlled. He thinks it could be equally controlled as with liquor stores.

He said he was not sure a professional testing laboratory must be inclusive of deliveries but he did not think there was any natural location for that to occur. Regarding personal cultivation, he was very much opposed to regulating indoor or outdoor cultivation. He thinks this is what the 70% vote was for. He thinks reasonable regulation of where the outdoor cultivation is located could be developed as well.

Vice Mayor Andrews asked if the Council could agree that if there are complaints with outdoor cultivation, the Town could define any complaints as nuisances. Councilmembers agreed.

Councilmember Bailey said he did not think the Council needed to come to a conclusion on outdoor cultivation and nuisances. He recognizes and agrees that marijuana seems comparable to alcohol but he did not think that discussion is relevant in deciding on this ordinance.

Vice Mayor Andrews said as someone who grew up back east, many states had package stores to buy liquor. When his family visits, they are dumbfounded there is that much liquor for sale in a regular grocery store and that they are selling it on Sundays.

Councilmember Beckman questioned the direction of Councilmembers on cultivation.

Mayor Ravasio noted the difference of opinion; some regulation of indoor is good for safety reasons but not to restrict it. In terms of outdoor, they are trying to prevent nuisance issues and he thinks they are all in agreement.

Vice Mayor Andrews referred to indoor cultivation and he was concerned with the need for people to obtain permits. He asked if there would be other similar items relating to the need for permits such as a hot tub.

Mr. Boyle said it would be a unique situation for someone to come in and say they want to grow something in their house. Staff would have to come up with some sort of standard in terms of adequate electricity load, such as 110 outlets versus 220 outlets, where the plants would be located, and he noted in Novato's ordinance one cannot convert a room into a growing area. So, it would take some thought, but staff could conduct the research and return.

Vice Mayor Andrews asked if staff could develop an educational pamphlet and Mr. Boyle said yes. He noted some people would come to the Town wanting to grow safely and there will be some who will not.

Mr. Boyle confirmed the following:

- Indoor Cultivation: The Council would like some regulation for safety and leave it to staff to determine how to enforce the building code.
- Outdoor Cultivation: The Council does not want outdoor cultivation to become a

nuisance for neighbors.

Councilmember Bailey said he was not comfortable with outdoor cultivation yet given smells, access to kids, and asked for more information given the need for setbacks, determination of location, etc.

- Manufacturing, Testing and Processing Facilities: Consensus of the Council to not allow, or to create regulations for this business so it will be prohibited.

Councilmember Beckman said he did not know these types of businesses would have cash on site and this is not likely an issue for Corte Madera unless it is a sprawling business for which Corte Madera does not have space for. Therefore, he suggested not preventing it.

Mayor Ravasio asked why they would set up laws and regulations then to control it if there is no space for it, and it would also require a lot of staff time to regulate it.

Mr. Boyle said he was not sure there was or was not space for such a facility, noting that one could be incredibly small.

Ms. Stricker commented that although this item (#3) is one number, there are multiple categories. The Council could bifurcate and oppose manufacturing and support testing. She also said that most jurisdictions that are allowing manufacturing have intensive regulations, and this is also true of the many business types that are pre-retail. Therefore, it would be a pretty heavy load for staff to bring forward a proposal for manufacturing and would take some of counsel's time if this was something the Council would want to allow.

Councilmember Kunhardt said he thinks this would be a good contribution to the Town to have a quality-controlled, certified testing facility if it is not large. But, he also knows this type of business does not yet exist in the Town in any related form, such as blood testing, biological labs, etc.

- Retail Stores for Medicinal and Non-Medicinal Sales: Mayor Ravasio stated he did not believe there was consensus on this. Several people do not support retail facilities and some people are supportive of them based upon the right circumstances.

Councilmember Beckman said in principle, given there is a liquor store across the street from Town Hall, he did not see why dispensaries would be banned outright. Because cannabis businesses are cash-only now, it is a major risk that cannot be mitigated to the point of acceptability. Therefore, he would be open to extending the ban on brick and mortar dispensaries until 1) more information is obtained; 2) until cannabis businesses can operate with bank accounts and not cash.

Councilmember Kunhardt said he likes this distinction but there may be a business that has specialty in oils that are used primarily for medical purposes, but these most likely are cash businesses. He suggested continuing the moratorium until the Council knows more.

Ms. Stricker clarified for the Council that the moratorium ends September 2019 and it cannot be renewed. Therefore, the Council is looking at a permanent ordinance and looking to ban retail which the Council can review at a later time. In response to whether a sunset clause is needed, Ms. Stricker said the problem with this is that if the Council does not act, the ban is lifted and there could be the non-conforming use issue.

Mayor Ravasio confirmed staff had direction and thanked the Council and speakers for their input.

- 6.I.ii Consideration and Possible Action to Appoint One Councilmember to Represent the Town of Corte Madera on the Marin County Community Development Block Grant and HOME Program Countywide Priority Setting Committee
(Report from Rebecca Vaughn, Town Clerk)

Town Clerk Rebecca Vaughn stated this vacancy was brought to her attention by the Marin County Community Development Agency who maintains the Community Development Block Grant and HOME Program Countywide Priority Setting Committee. The committee is comprised of one member of the Board of Supervisors, a representative from each city and town councils, and 7 community members representing 6 regions in Marin, and one at-large member representing the County.

This position was held since 2002 by a recently retired Councilmember. Given there are no term limits, she did not track it and she has attached the summary of activities the committee is responsible for and the recommendation is to appoint one Councilmember. The meetings are held about 4 times per year in the evenings and are relatively brief.

Mayor Ravasio opened the public comment period, and there were no speakers.

Councilmember Kunhardt said he was aware of these two programs and he volunteered to serve.

MOTION: Moved by Andrews, seconded by Bailey, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To Appoint Councilmember Kunhardt to Represent the Town of Corte Madera on the Marin County Community Development Block Grant and HOME Program Countywide Priority Setting Committee

6.II SANITARY DISTRICT BUSINESS ITEMS:

- 6.II.i Consideration and Possible Action to Adopt Resolution No. 06/2018 Changing the Meeting time for the Board of Directors of Sanitary District No. 2 so that the Meeting of the Sanitary District No. 2 Board of Directors Convenes at 7:00 pm on the First and Third Tuesday of Each Month or Upon Adjournment of the Meeting of the Corte Madera Town Council, Whichever is Later.
(Report from Rebecca Vaughn, District Clerk)

Ms. Vaughn stated the request is to separate the bodies of the Sanitary District and the Town Council. It would assist the lay person, the Council, the Grand Jury and those interested in determining which items are Town-related and District-related. The issue that could be affected by moving the Sanitary District to convene immediately following the Town Council meeting would be Closed Sessions would be affected. Therefore, either a separate agenda would be needed for the District to convene after the Closed Session or the Council could suspend it until the District meets.

The other issue would be the public open time and the Sanitary Board would want to allow for public comment on items to be heard during the Town Council meeting. Otherwise, someone would have to wait until the end of the meeting to make their public comment or provide input on an item(s).

Ms. Stricker stated her suggestion to the latter problem would be for the Council to take public open comment on items not on the agenda for the Sanitary District items as the first item on the agenda so that the person would not need to wait long.

Councilmembers discussed the Sanitary District meeting start time, and Ms. Stricker suggested staggering the time as recommended by staff or to approve 6:30 p.m. and 6:45 p.m. and staff can note that the Sanitary District meeting will start once the Council meeting adjourns but it will not be before 6:45 p.m.

Mayor Ravasio opened the public comment period, and there were no speakers.

Ms. Vaughn clarified the action would take effect at the first of the year.

MOTION: Moved by Andrews, seconded by Kunhardt, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To adopt Resolution No. 06/2018, as amended, Changing the Meeting time for the Board of Directors of Sanitary District No. 2 so that the Meeting of the Sanitary District No. 2 Board of Directors Convenes at 6:45 pm on the First and Third Tuesday of Each Month or Upon Adjournment of the Meeting of the Corte Madera Town Council, Whichever is Later.

7. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report
 - Town Manager Cusimano deferred his comments to the Public Works Director.
 - Mr. Brown reported that on Monday next week there will be a Flood Board meeting.
 - He commended Public Works Maintenance staff for their efforts over the last few months for preparing the Town for the winter storm season, which he briefly described.
 - Staff is continuing to move forward on the Climate Adaptation Plan and has received response to the RFP. This item will be on the Council's next agenda.

Councilmember Bailey thanked Mr. Brown and his staff for the work on flood control and climate adaptation.

Mayor Ravasio thanked staff for cleaning all of the storm drains to ensure they do not back up.

- Council Reports
 - Councilmember Bailey had no report.
 - Vice Mayor Andrews reported that on November 11th at 11 AM, he attended a ceremony at Aegis to honor 8 Veterans and their families.
 - Councilmember Kunhardt reported on the following:
 - He attended the Power Association of Northern California lunch on November 14th in San Francisco where he heard from PG&E representatives concerning MCE from their perspective on clean energy.
 - He then attended the November 14th TAM Board meeting wherein discussion focused on the North/South Greenway where work is expected to start in early 2019.
 - Lastly on November 14th he attended a meeting regarding fiber optic solutions with Marin Telecommunications Agency. He was asked by members of the County's Draw-Down Marin program be a part of the

Renewable Energy Stakeholders group and they held their first of six meetings for the campaign to work on renewable energy ideas.

- Last week he attended a training for Leadership in Equity and Opportunity for 3 days.
- Councilmember Beckman reported attending the Chamber of Commerce Board of Directors meeting this morning and they are excited about the deal worked out with Caltrans to address trash on the freeways. He also attended a CMSA Board meeting last month and will be sworn in, as this was former Vice Mayor Furst's last meeting.
- Mayor Ravasio had no report.

8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

8.I Review of Draft Agenda for December 18, 2018 Town Council Meeting

Councilmember Bailey asked the Town Manager to thank Fire Chief Schurz for the Christmas program driving through the Town's neighborhoods.

9. CLOSED SESSION

The Town Council adjourned to Closed Session at 8:45 p.m. to discuss the following matters:

- 9.I. CONFERENCE WITH LEGAL COUNSEL- POSSIBLE INITIATION OF LITIGATION
Pursuant to paragraph (4) of subdivision (d) of Gov. Code Section 54956.9:
(1 potential case)
- 9.II PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Closed Session Pursuant to Cal. Gov't Code Section 54957
Title: Town Manager

10. RECONVENE IN OPEN SESSION

10.1 Report out of Closed Session

Mayor Ravasio reconvened from Closed Session at 9:42 p.m. and announced no reportable action had been taken.

11. ADJOURNMENT

The meeting was adjourned at 9:48 p.m. to the next regular Town Council meeting on December 18, 2018 at Town Hall Council Chambers.

Attachment 5
Public comments received.

Phil Boyle

From: Katie Knick <katieknick@comcast.net>
Sent: Friday, May 03, 2019 10:10 AM
To: Sloan Bailey; James Andrews; dkundhardt@tcmmail.org; Bob Ravasio; Eli Beckman; tcussimano@tcmmail.org; Peter Chase; Phil Boyle; Adam Wolff
Subject: Community input on Cannabis Regulations

Dear Corte Madera Town Council,

It has come to my attention that on May 7th, Corte Madera will be considering its stand in recommending the outdoor growing and delivery of cannabis, and reviewing the possibility of allowing future retail stores to sell cannabis in Corte Madera and in Marin County.

I feel strongly that there are not retail stores in Corte Madera or anywhere in Marin selling cannabis. I feel strongly that cannabis is not grown or delivered in Corte Madera or anywhere in Marin.

VOTE NO and AGAINST ALLOWING MARIN'S RETAIL CANNABIS RETAIL STORE, Cannabis growth and delivery/distribution!!

We have two teenagers attending a Marin High School and they tell of many kids using cannabis illegally, getting high and getting hooked on routinely using it to celebrate life, solve a problem, spend social time. Everyone is aware of the risks to brain development in youth using cannabis, and the reduced school success from using cannabis. It is very common that kids drive while under the influence of cannabis which puts everyone in our community at risk. It is a very very serious mistake to make the access to cannabis easier for our youth. If there is a store front selling cannabis, or legal easy growth of the plant or distribution of it, it is just a matter of time that the kids will use a fake ID, or ask someone on the street, or a friend, or an irresponsible adult to purchase cannabis for them to use it illegally, or grow it themselves and begin the distribution of it illegally, underground. Do not perpetuate our Marin youth using, selling, and distributing cannabis by making it so easy for them to get in Marin. Rather, spend our precious community time, money and effort on youth health education and awareness surrounding the dangers and risks in illegal substance use.

Why support big business or making money instead of keeping our children in Marin safe? Why? And, why does Corte Madera or Marin want a flood of people from outside of OUR community to pour into our communities to purchase cannabis and associate our communities with easy-access cannabis? It is so wrong.

VOTE NO!

~ Katie Knick Lind

Lifetime resident of Marin, parent of 2 teenagers attending a Marin High School

Phil Boyle

From: Jodi Glasser <jodiglasser@yahoo.com>
Sent: Thursday, May 02, 2019 8:54 PM
To: Sloan Bailey; James Andrews; Bob Ravasio; David Kunhardt; Eli Beckman; Todd Cusimano; Peter Chase; Phil Boyle; Adam Wolff
Subject: Vote No on Cannabis Storefronts

I am a parent of a high school student and Corte Madera resident. I urge the Corte Madera Town Council to vote AGAINST allowing any recreational or retail marijuana/cannabis stores in our community.

There are serious public health and safety concerns related to marijuana, particularly for adolescents. Marijuana use has a detrimental effect on the developing brain. Studies show that proximity to recreational marijuana leads to increased overdoses due to accidental exposures in youth. Recreational marijuana stores are selling highly potent, poorly studied forms of marijuana, including edible products and topical preparations that can lead to highly elevated blood levels of cannabis. We already have an alcohol, drug and vaping issue with our middle school and high school teens in our community. Please do not add to the temptation and availability of another substance for them to try.

Please keep our youth healthier and our streets safer.

Please vote against allowing any recreational or retail marijuana/cannabis stores in Corte Madera and Larkspur.

Sincerely,
Jodi Glasser
Corte Madera

Phil Boyle

From: Tracey Van Hooser <traceyvanhooser@gmail.com>
Sent: Wednesday, May 01, 2019 6:51 PM
To: Sloan Bailey; James Andrews; dkundhardt@tcmmail.org; Eli Beckman; Bob Ravasio; Todd Cusimano; Peter Chase; Phil Boyle; Adam Wolff
Subject: cannabis ordinance

Dear Corte Madera Town Council and Staff,

Thank you for the opportunity to give feedback on the plans for a cannabis ordinance in Corte Madera. I am a Tiburon resident and my children attend nearby Redwood High School.

I am very concerned that the legalization of marijuana has led to a serious decline in perception of harm in using this substance. For the teen brain, the harm is clearly documented. If we allow advertising, retail stores, cultivation of marijuana in visible areas, etc, this probably will only get worse.

As a community, we recognize that school zones should be treated with special care. We have lower speed limits and higher fines for breaking laws in these areas. We should likewise be extra cautious with the messages that our kids get from business in the surrounding area. Please restrict cannabis sales in Corte Madera to the extent allowable by law.

Thank you,
Tracey Van Hooser

Phil Boyle

From: Sally Newson <sallynunn@comcast.net>
Sent: Thursday, May 02, 2019 1:38 PM
To: Sloan Bailey; James Andrews; Bob Ravasio; David Kunhardt; Eli Beckman; Todd Cusimano; Peter Chase; Phil Boyle; Adam Wolff; info@thecoalitionconnection.com
Subject: Cannabis dispensaries in Corte Madera

Hi all,

Please vote NO on accepting a permanent ordinance for retail cannabis businesses in Corte Madera. My now 19-year-old daughter was diagnosed with Cannabis Use Disorder at age 16 and it has severely debilitated her life to date. She is still hooked and because she started smoking at age 13, her IQ went from genius level to having difficulty with the simplest math equations. She has suffered from associated psychosis, anxiety and depression as well. Substance abuse disorders, such as with cannabis, are also one of the leading mental disorders causing suicide, right alongside depression and Bipolar Disorder. Suicidality amongst our Marin County teens is a serious epidemic and we don't need the town of Corte Madera inadvertently contributing to it.

Cannabis use amongst teens can be as detrimental to health as alcohol and smoking cigarettes. Why would Corte Madera want to endanger young lives by allowing and promoting store fronts in town? I can't imagine Corte Madera having liquor stores as storefronts in town and this is no different.

Please do the right thing and make a positive impact on young lives, not the opposite.

Thanks -
Sally

Sally Newson
Executive Director & Founder @ [Wellify Teen](#)



23 Ross Common, Suite 5
Ross, CA 94957
415.847.2534
[LinkedIn](#) | [Instagram](#)

May 2, 2018

Dear Corte Madera Town Councilmembers,

I am writing to you as a Corte Madera resident with two teenage sons. I am a public health professor at UCSF and I have spent 25 years as a researcher in the field of tobacco control studying policy and how regulations can impact public health. I am also a member of the Coalition Connection. I grew up in Nevada City, California in the Sierra Foothills where the marijuana industry had been deeply established since the 1960s. So, I have personal experience with the impact cannabis businesses can have on a small community.

At the outset, I would like to tell you that although Redwood High School has a strong reputation for academic excellence, our family has been hesitant about our sons attending Redwood in part because our sons have said they don't want to be around so many kids who are into using cannabis and other drugs. This is their perception of the conditions at Redwood, which is unfortunately supported by data.

I have written to you and been following the cannabis ordinance policymaking process in Corte Madera and have watched and listened to some of the meetings that the Town has held to discuss this issue. I would like to share information with you that I believe lays out why the policy decisions made in Corte Madera impact the wider Marin community.

Big Cannabis

First, it is important to understand some background. **Current cannabis policymaking has been and is still being heavily influenced by the Big Tobacco playbook.**

- Historically, the tobacco industry was successful at obtaining regulations that supported their business model, with minimal protections for public health. The same is true of the current cannabis industry.
- Since 1969, Big Tobacco has been planning to enter the cannabis industry. With legalization, Altria (Phillip Morris) has now invested heavily in the cannabis market. This means that we are now faced with a Big Cannabis industry with tremendous market power.
- Big Tobacco operated for decades without a strong public health framework. Now, as predicted based on the experience with the tobacco industry, wealthy and politically powerful Big Cannabis is using its political clout to manipulate policymaking (see attached white paper by Rachel Barry and Stanton Glantz).
- Prop 64 was promoted as a way end the "war on drugs". But the details were influenced by the industry's desire to cash in. Big Cannabis designed Prop 64 with a "divide and conquer" strategy so that each individual jurisdiction in California would be left to seek out factual information and figure out how to protect their community with limited state oversight.
- Following Big Tobacco's strategies, lobbyist working for Big Cannabis are pushing their agenda for financial gains with little regard for the short- and long-term impact on public health and the environment.

Over the past year and a half, California cities and towns have been trying to make the best decisions with little to no conclusive data on how local policy will impact their residents.

Second, it is important to remember what we the voters were told in the official ballot summary about **California Proposition 64, Marijuana Legalization (2016)**:

[https://ballotpedia.org/California Proposition 64, Marijuana Legalization \(2016\)](https://ballotpedia.org/California_Proposition_64,_Marijuana_Legalization_(2016))

“Legalizes marijuana under state law, for use by adults 21 or older. Imposes state taxes on sales and cultivation. Provides for industry licensing and establishes standards for marijuana products. Allows local regulation and taxation. Fiscal Impact: Additional tax revenues ranging from high hundreds of millions of dollars to over \$1 billion annually, mostly dedicated to specific purposes. Reduced criminal justice costs of tens of millions of dollars annually.”

- Legalizes marijuana under state law, for use by adults 21 or older.
- Designates state agencies to license and regulate marijuana industry.
- Imposes state excise tax of 15% on retail sales of marijuana, and state cultivation taxes on marijuana of \$9.25 per ounce of flowers and \$2.75 per ounce of leaves.
- Exempts medical marijuana from some taxation.
- Establishes packaging, labeling, advertising, and marketing standards and restrictions for marijuana products.
- Prohibits marketing and advertising marijuana directly to minors.
- Allows local regulation and taxation of marijuana.
- Authorizes resentencing and destruction of records for prior marijuana convictions.”

Nowhere did the official ballot summary mention that local governments would be given the authority to permit a wide range of cannabis businesses to operate in their jurisdictions as a result of Prop 64.

Nowhere did the official summary mention that communities would be expected to live with the cannabis-permissive decisions made by neighboring jurisdictions as a result of Prop 64.

Nowhere did the official summary mention that elected officials in local jurisdictions would be expected to make important public health decisions about cannabis as a result of Prop 64.

Most Californians voted for legalization of marijuana for adult use, increased regulation and taxation, and reduced/overtaken prison sentences, thereby generating revenue and savings for the State.

Third, it is important to see local policymaking in the context of **what other Bay Area and California communities are doing**. Many communities now recognize that retail cannabis outlets and delivery businesses are the extension of Big Cannabis' distribution network. We are not talking about “mom and pop” businesses selling locally grown environmentally sustainable marijuana. We are talking about an industry that is promoting high-potency products.

Many elected officials are now realizing that a majority vote for Prop 64 does not mean their constituents want cannabis businesses and recreational growing in their communities. I would encourage you to explore this article and database:

Marijuana laws for every city and county? Our database shows California slow to accept Prop. 64

<https://www.ocregister.com/2018/04/09/database-of-marijuana-rules-from-every-city-and-county-in-california-shows-slow-acceptance-of-prop-64/>

“Recreational marijuana is legal in California, but it probably isn't legal to buy in your city. Fewer than one in three cities in California have approved any kind of cannabis industry, and only a sliver of cities allow recreational pot shops.”

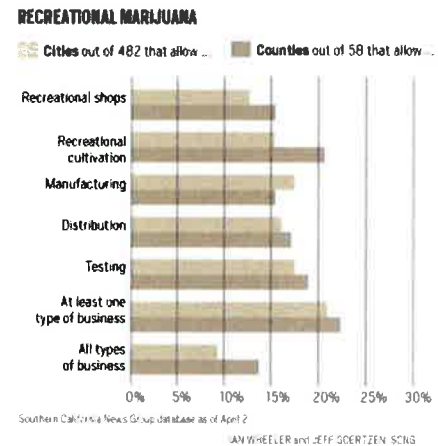
“Many people seem to think it’s a free-for-all when it comes to cannabis in California now that recreational marijuana is legal. But that’s far from the case, as many cities are setting up strict rules on what types of cannabis businesses — if any — can open in their town.”

“In Sausalito, in Marin County, 77 percent of voters supported legal weed, but city council members there have blocked all businesses and outdoor home gardens. The numbers are similar in the Bay Area city of Albany.”

“Perhaps the biggest surprise is in Humboldt County, which is famous for cannabis production. Despite the region’s reputation as a cannabis hotbed, and despite having a couple cities where cannabis ordinances are lenient, four of the seven cities in Humboldt County earn zero points on our scale.

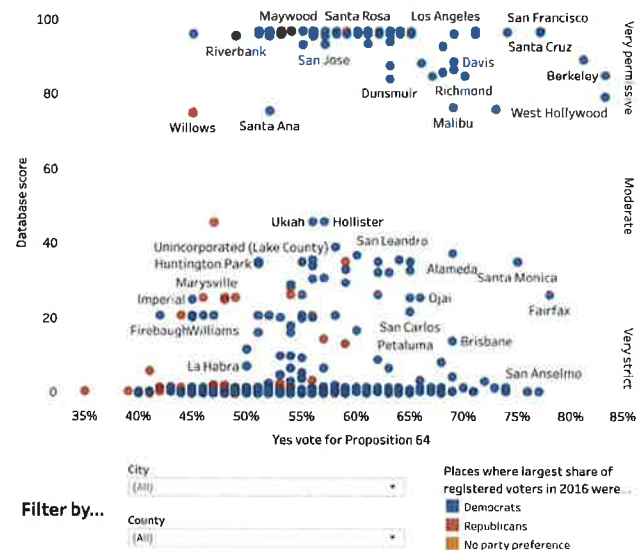
To get a zero score, a city has to ban all marijuana businesses, block residents from growing marijuana for personal use outdoors and require them to get a permit to grow it inside their homes.”

This graph shows that as of April 2, 2019, only 13% of California towns and cities allow “recreational shops” and only 16% allow recreational cultivation.



This graph shows that a large number of California communities where the majority of registered voters are Democrats (blue dots) and the majority voted in favor of Prop 64 (horizontal scale) have not adopted cannabis-permissive local ordinances (vertical scale). Some communities may have established a moratorium because at this time they are not inclined to take a risk to allow cannabis business. In January 2019, Corte Madera was rated as “strict” along with hundreds of other jurisdictions.

Compare the Proposition 64 vote to marijuana laws in every California city and county, scored very strict (0) to very permissive (100)

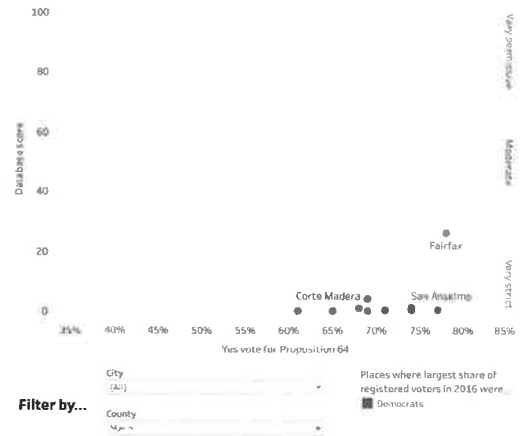


Scores based on a Southern California News Group database as of Jan 14, 2019 (Graphic by Ian Wheeler / SCNG)

In Marin County as of January 2019, Corte Madera was consistent with other jurisdictions except Fairfax, which as of last night's Town Council Meeting is moving toward **not allowing any retail stores** for non-medical cannabis.

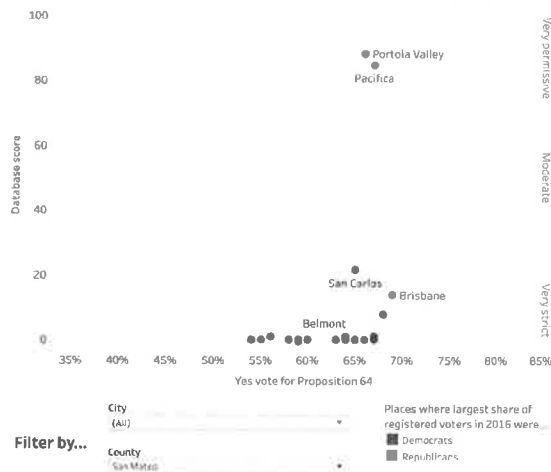
The graphs below show that in Contra Costa, Alameda, Sonoma, and San Mateo Counties the majority of voters in every jurisdiction voted in favor of Prop 64, but only a handful of communities have become **cannabis business outposts**.

Compare the Proposition 64 vote to marijuana laws in every California city and county, scored very strict (0) to very permissive (100)



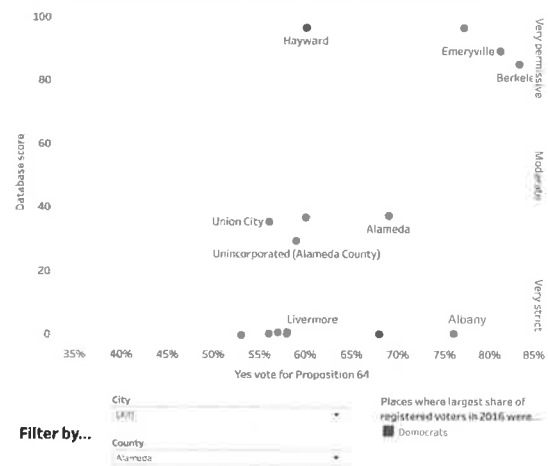
Scores based on a Southern California News Group database as of Jan. 14, 2019. (Graphic by Ian Wheeler / SCNG)

Compare the Proposition 64 vote to marijuana laws in every California city and county, scored very strict (0) to very permissive (100)



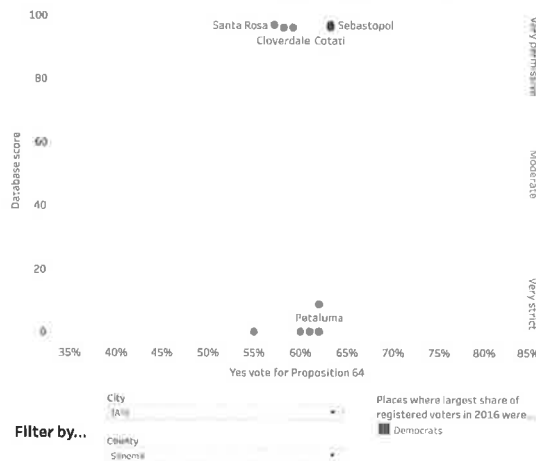
Scores based on a Southern California News Group database as of Jan. 14, 2019. (Graphic by Ian Wheeler / SCNG)

Compare the Proposition 64 vote to marijuana laws in every California city and county, scored very strict (0) to very permissive (100)



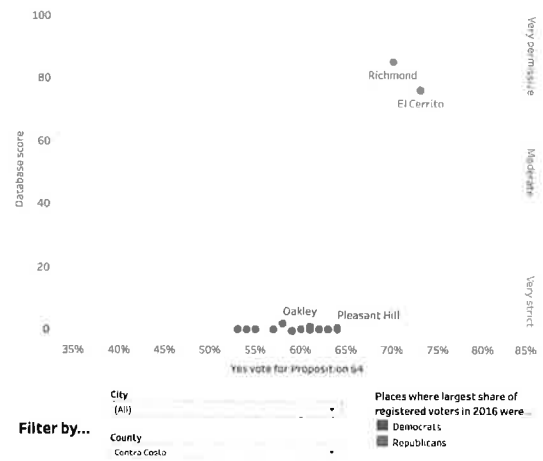
Scores based on a Southern California News Group database as of Jan. 14, 2019. (Graphic by Ian Wheeler / SCNG)

Compare the Proposition 64 vote to marijuana laws in every California city and county, scored very strict (0) to very permissive (100)



Scores based on a Southern California News Group database as of Jan. 14, 2019. (Graphic by Ian Wheeler / SCNG)

Compare the Proposition 64 vote to marijuana laws in every California city and county, scored very strict (0) to very permissive (100)



Scores based on a Southern California News Group database as of Jan. 14, 2019. (Graphic by Ian Wheeler / SCNG)

Outdoor Cultivation

I am also opposed to outdoor cultivation for personal use. California law already allows growing 6 plants for personal use indoors. This is sufficient for recreational users. The pungent "skunk" stench of marijuana plants drifts downwind over fences and across property lines. Many communities are having issues with this, including my hometown of Nevada City and neighboring Grass Valley, along with Mt. Shasta. Outdoor growing normalizes marijuana use exposing kids to plants. Plants which can be valued at \$7,000 per plant creates a risk of property crime and invites theft. We don't need teens growing their own high-potency plants in their back yards.

The large majority of Bay Area communities that voted by majority in favor of Prop 64 have opted not to allow outdoor growing (see graphs above). If Corte Madera were to allow outdoor growing, it would be an exception and be considered more permissive than most communities in Marin and the Bay Area.

Ultimately, Corte Madera, a small community where a large majority voted in favor of Prop 64, faces these choices: Will the people of Corte Madera adopt a long-term cannabis policy to:

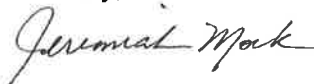
- 1) Adopt moderately strict cannabis regulations like Ojai, Alameda, Brisbane, San Carlos, and Nevada City that only minimize the impact of Big Cannabis on youth and community health?
- 2) Establish stringent regulations like Sausalito, San Anselmo, Mill Valley, Albany, Capitola, and Monterey to restrict Big Cannabis influence and create greater protections for youth and community health?
- 3) Adopt highly permissive regulations like Richmond, El Cerrito, Berkeley, Emeryville, Oakland, Hayward, and Santa Cruz that give Big Cannabis substantial access to their community through local cannabis retail outlets, thereby giving youth and community members much greater access to high-potency products?

California and Marin have decades of experience from tobacco control. Policymaking and evidence show clearly that restricting access to products reduces use, particularly youth use. We no longer have cigarette vending machines because kids used them. We have made it more difficult for retailers to sell to minors. We have regulated Big Tobacco's commercial operations. Now, with cannabis we should not make mistakes to allow increased availability and access. If we follow the approach of limiting access that made California and Marin successful in reducing youth smoking tobacco, we can achieve the same gains with youth use of cannabis.

Community-wide environmental prevention works. That's why today very few teens in Marin County smoke cigarettes. If we adults in our community don't take responsibility for controlling powerful industries that target kids with highly potent products, we will face the results. That's why today we have an epidemic of juuling.

I urge you to joining many other California communities that voted in favor of Prop 64, but have chosen to protect youth and community health by limiting the influence of Big Cannabis in their communities and not allow outdoor cultivation. Given Corte Madera's central location in Marin County, the decision the Corte Madera Town Council makes will everyone in Marin.

Sincerely,



Jeremiah Mock, MSc, PhD

Phil Boyle

From: Linda Henn <linda@thecoalitionconnection.com>
Sent: Thursday, May 02, 2019 3:13 PM
To: Sloan Bailey; David Kunhardt; Bob Ravasio; Eli Beckman; James Andrews; Phil Boyle
Subject: Corte Madera May 7th Town Council Meeting
Attachments: CMTC.pdf; Goodwin 2017 Trends in Daily Cannabis Use Among CigaretteSmokers.pdf; Di Forti 2019 The contribution of cannabis use to variation in the incidence of psychotic disorder across Europe (EU-GEI)- a multicentre case-control study.pdf

Please find attached a letter from The Coalition Connection on the subject of Cannabis Ordinance in Corte Madera for the May 7th Meeting. Please find attached other documentation to support the letter. I welcome any questions or additional information.

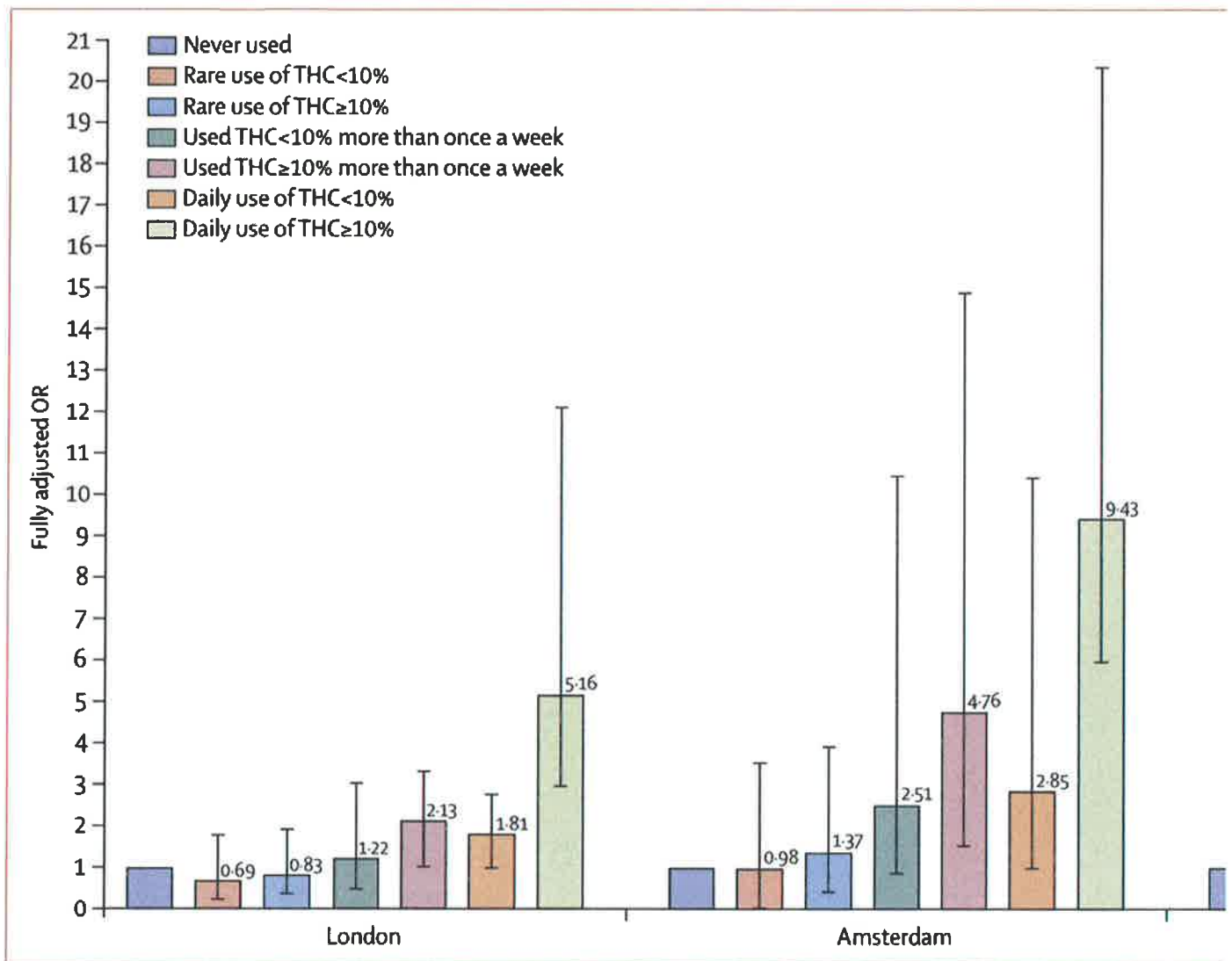


Figure 2: Fully adjusted ORs of psychotic disorders for the combined measure of frequency plus type of cannabis u
 Data are shown for the three sites with the greatest consumption of cannabis: London (201 cases, 230 controls), Amste
 (54 cases, 100 controls). Error bars represent 95% CIs. OR=odds ratio.

Linda Henn
 Linda Henn
 Project Coordinator
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 415-533-8366

Trends in Daily Cannabis Use Among Cigarette Smokers: United States, 2002–2014

Renee D. Goodwin, PhD, MPH, Lauren R. Pacek, PhD, Jan Copeland, PhD, Scott J. Moeller, PhD, Lisa Dierker, PhD, Andrea Weinberger, PhD, Misato Gbedemah, MPH, Michael J. Zvolensky, PhD, Melanie M. Wall, PhD, and Deborah S. Hasin, PhD

Objectives. To estimate changes in the prevalence of daily cannabis use among current, former, and never cigarette smokers from 2002 to 2014 in the United States.

Methods. The National Survey on Drug Use and Health is a nationally representative cross-sectional study conducted annually among persons aged 12 years and older in the United States.

Results. Daily cannabis use occurs nearly exclusively among nondaily and daily cigarette smokers compared with former and never smokers (8.03%, 9.01%, 2.79%, 1.05%, respectively). Daily cannabis use increased over the past decade among both nondaily (8.03% [2014] vs 2.85% [2002]; linear trend $P < .001$) and daily smokers (9.01% [2014]; 4.92% [2002]; linear trend $P < .001$). Daily cannabis use increased most rapidly among former cigarette smokers (2.79% [2014] vs 0.98% [2002]; linear trend $P < .001$).

Conclusions. Daily cannabis use occurs predominantly among cigarette smokers in the United States. Daily cannabis use increased among current, former, and never smokers over the past decade, with particularly rapid increases among youth and female cigarette smokers. Future research is needed to monitor the observed increase in daily cannabis use, especially among youths and adults who smoke cigarettes. (*Am J Public Health.* 2018;108:137–142. doi:10.2105/AJPH.2017.304050)

cigarette smokers is critical because previous findings suggest that any past month cannabis use is associated with smoking persistence and relapse^{7,9} coupled with previous estimates of high rates of cigarette smoking among cannabis users.¹⁴

We investigated the prevalence of daily cannabis use among nondaily, daily, former, and lifetime cigarette nonsmokers and whether these rates differ by demographic characteristics among those aged 12 years and older in the United States. Second, we estimated changes in the prevalence of daily cannabis use among nondaily, daily, former, and never cigarette smokers, overall and by demographic subgroups, from 2002 to 2014.

METHODS

The National Survey on Drug Use and Health (NSDUH) provides annual cross-sectional national data on the use of tobacco, other substance use, and mental health in the United States.^{15–23} A multistage area probability sample for each of the 50 states and the District of Columbia was conducted to represent the male and female civilian non-institutionalized population of the United States aged 12 years and older. We obtained data from the 2002–2014 NSDUH public use data files for a combined sample size of

Cigarette smoking remains the leading preventable cause of disease and premature mortality in the United States.¹ There have been substantial declines in smoking prevalence over the past half century in the United States, although the rate of this decline has decelerated in recent years.^{2,3}

Cannabis use is more common among people who smoke cigarettes than among those who do not.^{4–6} Studies show that cannabis use is associated with the persistence of cigarette smoking^{7,8} and relapse to smoking among former smokers.⁹ The inverse is also evident: the use of tobacco is associated with increased odds of cannabis dependence.¹⁰ Previous studies have not examined whether the prevalence of daily cannabis use has changed among cigarette smokers in the population over the past decade. Indeed, previous work suggests that heavy cannabis use is strongly related to cigarette smoking and nicotine dependence.^{5,11–13} In a recent study, Schauer et al. found an increase in past 30-day cannabis use among tobacco users from 2003

to 2012,^{6,14} as well as significant increases in co-use of past 30-day cannabis and tobacco use from 2003 to 2012 with differential increases by demographic group. Yet, it is not clear that previous studies examining occasional, any past-30 day, or any past-year cannabis use allow us to extrapolate to an accurate estimate of the relations between daily cannabis use and cigarette smoking. Understanding the degree to which daily cannabis use may be common among

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Correspondence should be sent to Renee D. Goodwin, PhD, MPH, Department of Epidemiology and Biostatistics, Graduate School of Public Health, The City University of New York, 55 West 125th Street, New York, NY 10027 (e-mail: renee.goodwin@sph.cuny.edu). Reprints can be ordered at <http://www.ajph.org> by clicking the "Reprints" link.

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doi: 10.2105/AJPH.2017.304050

725 010 individuals. To increase the precision of estimates, African Americans, Hispanics, and young people were oversampled. Response rates for completed surveys ranged from 73% to 79%.

Participants aged 18 years and older provided informed consent, and parental permission and assent was obtained for individuals aged 12 to 17 years before the start of every interview. Participants were given a description of the study, read a statement describing the legislation regarding the confidentiality of any information provided by participants, and assured that participation in the study was voluntary. Surveys were administered by computer-assisted personal interviewing conducted by an interviewer and audio computer-assisted self-interviewing. Audio computer-assisted self-interviewing was designed to provide respondents with a private and confidential means of responding to questions and to increase honest reporting of illegal drug use and other sensitive behaviors. Respondents were offered US \$30 for participation.

Sampling weights for the NSDUH were computed to control for unit-level and individual-level nonresponse and adjusted to ensure consistency with population estimates obtained from the US Census Bureau. To use data from the 13 years of combined data, a new weight was created upon aggregating the 13 data sets by dividing the original weight by the number of data sets combined. Additional information describing the complex sampling weight methodology for the NSDUH can be found elsewhere.²²

Measures

Sociodemographic variables. Sociodemographic variables for this study included gender, race/ethnicity (White, African American, Hispanic, other [i.e., Native American/Alaska Native, Native Hawaiian/Other Pacific Islander, Asian, more than 1 race]), age (12–17, 18–25, ≥26 years), and annual income (<\$20 000, \$20 000–\$74 999, ≥\$75 000).

Cigarette smoking variables. Current cigarette smoking status was assessed using the following questions: (1) “Have you ever smoked part or all of a cigarette?”; (2) “Have you smoked at least 100 cigarettes in your entire life?”; and (3) “During the past 30 days,

have you smoked part or all of a cigarette?” We classified individuals who did not report smoking at least 100 cigarettes in their lifetime as never smokers. We classified individuals who reported smoking at least 100 cigarettes in their lifetime and at least 1 cigarette within the past 30 days as current smokers. We then subdivided current smokers on the basis of frequency of smoking using the following question: “During the past 30 days, that is, since [DATEFILL], on how many days did you smoke part or all of a cigarette?” We classified those who smoked 1 to 29 days of the past 30 days as current nondaily smokers and those who smoked all 30 of the past 30 days as current daily smokers. We classified individuals who reported smoking 100 cigarettes in their lifetime and reported smoking 0 cigarettes in the past 30 days as former smokers. Similar classification schemes have been used in previous research.^{24,25}

We asked nondaily and daily smokers to report the number of cigarettes that they smoked per day: “On the days you smoked cigarettes during the past 30 days, how many cigarettes did you smoke per day, on average?” Response options for the included “1–15” versus “16+” cigarettes that they smoked per day.

Cannabis use variables. Participants reported how long it had been since their last cannabis use. We categorized individuals reporting using cannabis “within the past 30 days” as past month users in a new dichotomous variable (any vs none). Participants indicating past month use reported the number of days they used cannabis in the last 30 days. We classified participants who reported using cannabis on 25 days or greater as “daily users.”^{25–29}

Statistical Analysis

Data were weighted to reflect the complex design of the NSDUH sample and analyzed with Stata SE version 12.0.³⁰ We used Taylor series estimation methods (Stata SVY commands) to obtain proper SE estimates for the cross-tabulations. First, we examined the combined prevalence of daily cannabis use by smoking statuses (nondaily, daily, former, and never smokers) from 2002 to 2014. We then examined the association between daily cannabis use with nondaily and daily cigarette smoking by demographic characteristics.

Next, we examined the prevalence of daily cannabis use among the 4 smoking statuses across time from 2002 to 2014.

We assessed linear time trends of cannabis use and daily cannabis use using logistic regression models with continuous year as the predictor. We then used multivariable logistic regression to adjust for demographics (gender, age, race/ethnicity, income). Within these analyses, odds ratios (ORs) indicate the slopes of the increase and decrease (i.e., rapidity of change) in daily cannabis use between 2002 and 2014. Furthermore, we used models with year by smoking status interaction terms and F-tests to test the significance of these interactions to assess differential time trends (i.e., differences in the rapidity of change between smoking statuses).

Additionally, we tested interactions between year, smoking status, and selected demographic characteristics (gender, race/ethnicity, age); all were significant (all $P < .01$). Thus, we stratified analyses concerning the prevalence of daily cannabis use by the demographic characteristics. We used models with year by sociodemographic characteristic interaction terms and F-tests to test the significance of these interactions to assess differential time trends (i.e., differences in the rapidity of change between levels of the sociodemographic variables) within each of the 4 smoking statuses.

RESULTS

Daily and nondaily cigarette smokers were significantly more likely to use cannabis daily than were never smokers (OR = 4.47; [95% confidence interval (CI) = 4.15, 4.82]; OR = 7.61; [95% CI = 7.09, 8.17], respectively) in every demographic group. The relationships between daily and nondaily cigarette smoking and daily cannabis use differed significantly by age, gender, marital status, race, and income (Table 1). The strength of the relationships varied, but all were robust and statistically significant. In terms of differences by demographic strata, the relationship between daily and nondaily cigarette smoking and daily cannabis use was stronger among females than among males, among youths aged 12 to 17 years than among older age groups, among never married and widowed, divorced, or separated versus married, and

TABLE 1—Association of Daily Cannabis Use With Daily and Nondaily Cigarette Smoking, by Demographic Characteristics: National Survey on Drug Use and Health, United States, 2002–2014

Characteristic	Unadjusted Prevalence of Daily Cannabis Use				Nondaily Cigarette Smoking Versus No Cigarette Smoking		Daily Cigarette Smoking Versus No Cigarette Smoking	
	Total Sample, % (95% CI)	Non-cigarette Smoker, % (95% CI)	Nondaily Cigarette Smoker, % (95% CI)	Daily Cigarette Smoker, % (95% CI)	OR ^a (95% CI)	P _{int} ^b	OR ^a (95% CI)	P _{int} ^b
Total sample	1.91 (1.86, 1.96)	0.85 (0.82, 0.89)	4.74 (4.51, 4.99)	6.31 (6.09, 6.55)	4.47 (4.15, 4.82)		7.61 (7.09, 8.17)	
Gender								
Male (Ref)	2.79 (2.71, 2.87)	1.32 (1.26, 1.39)	5.94 (5.58, 6.33)	8.28 (7.94, 8.63)	3.87 (3.55, 4.23)		6.51 (5.99, 7.08)	
Female	1.08 (1.03, 1.14)	0.44 (0.40, 0.47)	3.13 (2.83, 3.47)	4.14 (3.87, 4.42)	6.58 (5.69, 7.62)	< .001	10.93 (9.77, 12.22)	< .001
Age, y								
12–17 (Ref)	1.27 (1.22, 1.33)	0.55 (0.51, 0.59)	11.17 (11.05, 11.24)	21.01 (20.87, 21.33)	22.70 (20.08, 25.67)		51.35 (45.28, 58.24)	
18–25	5.60 (5.47, 5.73)	2.49 (2.37, 2.60)	10.40 (9.93, 10.89)	15.46 (15.05, 15.88)	4.24 (3.95, 4.55)	< .001	7.23 (6.81, 7.68)	< .001
≥ 26	1.35 (1.30, 1.41)	0.64 (0.60, 0.69)	2.75 (2.47, 3.06)	4.32 (4.08, 4.57)	3.14 (2.75, 3.58)	< .001	5.54 (5.01, 6.13)	< .001
Marital status								
Married (Ref)	0.84 (0.78, 0.90)	0.44 (0.39, 0.49)	1.99 (1.64, 2.41)	3.06 (2.77, 3.37)	4.23 (3.40, 5.26)		6.77 (5.90, 7.78)	
Widowed, divorced, or separated	1.46 (1.32, 1.61)	0.63 (0.54, 0.74)	2.07 (1.98, 2.13)	3.95 (3.48, 4.49)	2.78 (2.09, 3.69)	< .001	5.55 (4.46, 6.90)	< .001
Never married	3.72 (3.63, 3.82)	1.61 (1.54, 1.69)	8.30 (7.92, 8.70)	12.67 (12.30, 13.05)	4.77 (4.43, 5.15)	< .001	8.55 (7.96, 9.19)	< .001
Income, \$								
< 20 000 (Ref)	2.87 (2.74, 3.01)	1.30 (1.19, 1.42)	5.68 (5.20, 6.21)	7.32 (6.86, 7.82)	3.92 (3.38, 4.55)		6.44 (5.69, 7.28)	
20 000–74 999	1.96 (1.89, 2.03)	0.86 (0.80, 0.91)	4.69 (4.34, 5.06)	6.14 (5.84, 6.46)	4.61 (4.08, 5.19)	.051	7.43 (6.97, 8.60)	.011
≥ 75 000	1.23 (1.15, 1.31)	0.62 (0.56, 0.69)	0.62 (0.56, 0.69)	5.49 (5.03, 5.99)	5.07 (4.30, 5.97)	.007	9.07 (7.78, 10.57)	< .001
Race/ethnicity								
White (Ref)	1.99 (1.93, 2.04)	0.84 (0.79, 0.89)	4.96 (4.64, 5.31)	6.09 (5.84, 6.34)	4.62 (4.18, 5.10)		7.33 (6.75, 7.96)	
Black	2.38 (2.23, 2.55)	1.25 (1.12, 1.39)	5.07 (4.93, 5.18)	8.07 (7.94, 8.19)	3.55 (2.83, 4.44)	.26	6.89 (5.83, 8.15)	.14
Hispanic	1.44 (1.33, 1.56)	0.73 (0.64, 0.82)	3.96 (3.81, 4.15)	6.67 (6.53, 6.79)	5.31 (4.22, 6.69)	< .001	10.96 (8.84, 13.57)	< .001
Other	1.30 (1.18, 1.43)	0.60 (0.48, 0.74)	3.76 (3.62, 3.89)	6.01 (5.20, 6.94)	4.98 (3.49, 7.09)	< .001	9.59 (6.72, 13.69)	< .001

Note. CI = confidence interval; OR = odds ratio. ORs reflect associations within each level of sociodemographic variables, comparing nondaily and daily cigarette smoking with nonsmoking.

^aAdjusted for all other variables listed in the table and calendar year (categorical).

^bP value for multiplicative interaction of demographic by smoking categories on daily cannabis use, e.g., OR = 6.58 for nondaily vs no cigarettes in women is significantly different ($P_{int} < .001$) compared with the OR = 3.87 in men.

among the highest income group versus the lowest income group.

For race/ethnicity, there was no difference in the strength of the relationship between cigarette smoking and daily cannabis use between White and African American respondents; the relationships were stronger among Hispanic and other race/ethnicity group respondents than among White respondents. For instance, among Hispanic smokers (vs nonsmokers) the relationship between daily cannabis use and cigarette smoking was significantly stronger than among White individuals (OR = 10.96; [95% CI = 8.84, 13.57] vs OR = 7.73; [95% CI = 6.75, 7.96]; $P < .001$, respectively). The relationship was also significantly stronger among females than among males

(OR = 10.93; [95% CI = 9.77, 12.22] vs OR = 6.51; [95% CI = 5.99, 7.08]; $P < .001$, respectively).

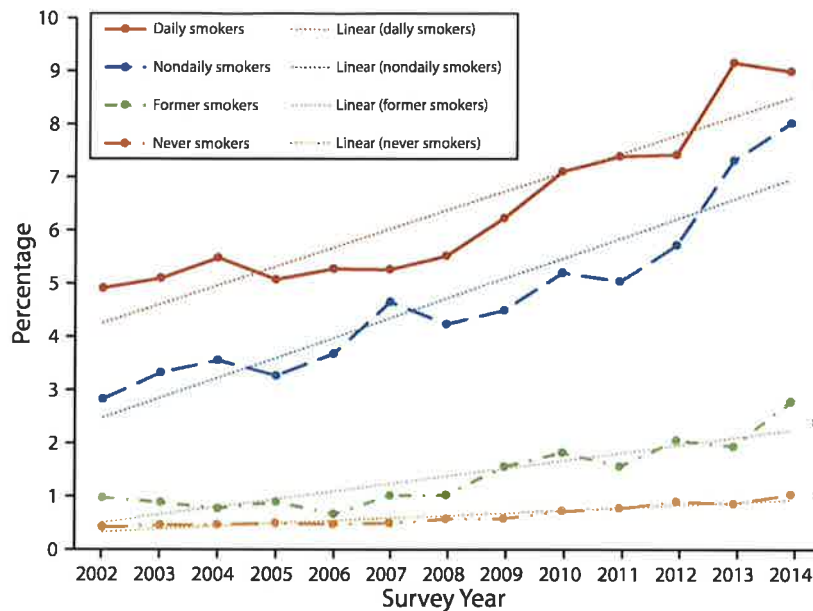
The strength of the relationship between cigarette smoking and daily cannabis use was particularly strong among youths aged 12 to 17 years. The ORs suggest that nondaily and daily cigarette smoking in youths is associated with a 23-fold and 51-fold increase in likelihood of using cannabis daily, respectively.

Daily Cannabis Use by Cigarette Smoking Status

Daily cannabis use increased significantly in the US population across all smoking statuses from 2002 to 2014: current daily

(4.92% vs 9.01%), nondaily (2.85% vs 8.03%), former (0.98% vs 2.79%), and never cigarette smokers (0.45% vs 1.05%; Figure 1; Table A [available as a supplement to an online version of this article at <http://www.ajph.org>]). These trends remained significant after adjusting for a range of covariates.

However, the rate of the increase differed significantly by smoking group in several cases. Specifically, the increase in rate of daily cannabis use was significantly more rapid among nondaily smokers (adjusted OR [AOR] = 1.10; 95% CI = 1.08, 1.12) than among daily smokers (AOR = 1.07; 95% CI = 1.06, 1.09) and more rapid among former smokers (AOR = 1.12; 95% CI = 1.10, 1.15) than among never smokers (AOR = 1.08; 95% CI = 1.07, 1.10).



*Linear trend $P < .05$.

FIGURE 1—Prevalence of Daily Cannabis Use Over Time and Linear Time Trends, by Cigarette Smoking Status: National Survey on Drug Use and Health, United States, 2002–2014

Daily Cannabis Use by Gender

Daily cannabis use increased significantly among both genders in all smoking status groups. Among never smokers, daily cannabis use increased faster among females (AOR = 1.13; 95% CI = 1.10, 1.16) than among males (AOR = 1.06; 95% CI = 1.05, 1.08), and females showed a 3-fold increase in prevalence of daily cannabis use over this period (Table B [available as a supplement to an online version of this article at <http://www.ajph.org>]).

There were no differences in the rate of change over time by gender among daily, nondaily, and former smokers.

Daily Cannabis Use by Race/Ethnicity

Daily cannabis use increased among all daily, nondaily, former, and never smokers of all race/ethnicity groups, without any significant differences in the rate of change between groups (Table C [available as a supplement to an online version of this article at <http://www.ajph.org>]).

Notably, daily cannabis use increased 5-fold among nondaily, former, and never smokers of other race/ethnicity.

Daily Cannabis Use by Age

Daily cannabis use increased significantly among daily cigarette smokers in all age groups (Table D [available as a supplement to an online version of this article at <http://www.ajph.org>]); the fastest rates of increase were among those aged 26 years and older (AOR = 1.10; 95% CI = 1.08, 1.12) versus aged 12 to 17 years (AOR = 1.04; 95% CI = 1.02, 1.07) and 18 to 25 years (AOR = 1.04; 95% CI = 1.03, 1.05). The highest prevalence of daily cannabis use—by contrast—was among those aged 12 to 17 years with 27.6% of daily smokers aged 12 to 17 years using cannabis daily in 2014. In 2014, 20.33% of those aged 18 to 25 years who were daily cigarette smokers used cannabis daily, with a considerably lower proportion (7.12%) of daily cannabis use among daily cigarette smokers aged 26 years and older.

Among nondaily cigarette smokers, daily cannabis use increased in all age groups, again with the fastest rate of change among those aged 26 years and older (AOR = 1.13; 95% CI = 1.09, 1.16), followed by aged 18 to 25 years (AOR = 1.09; 95% CI = 1.07, 1.10) and 12 to 17 years (AOR = 1.06; 95% CI = 1.03, 1.09). Among nondaily cigarette smokers, daily cannabis use was considerably lower

(12.5%) among those aged 12 to 17 years (vs 27.6% among daily cigarette smokers), although daily cannabis use was reported by 17.34% of nondaily cigarette smokers aged 18 to 25 years in 2014.

DISCUSSION

The study has several key findings. First, daily cannabis use appears to occur nearly exclusively among cigarette smokers in the United States. Specifically, averaged over 2002 to 2014, the prevalence of daily cannabis use is approximately 10 times higher among cigarette smokers than among never smokers. Less than 1% of never cigarette smokers use cannabis daily, whereas 11.05% of cigarette smokers (nondaily smokers: 4.74%; daily smokers: 6.31%) use cannabis daily.

Second, the prevalence of daily cannabis use increased significantly among daily (4.92% vs 9.01%), nondaily (2.85% vs 8.03%), former (0.98% vs 2.79%), and never (0.45% vs 1.05%) cigarette smokers from 2002 to 2014. Yet, the rate of increase in daily cannabis use was most rapid among former cigarette smokers. Although the overall prevalence of daily cannabis use remains relatively low among non-cigarette smokers compared with cigarette smokers, the number of people affected is substantial; non-cigarette smokers comprise the largest segment of the population (former smokers: 20.03%; never smokers: 58.61%).

Third, the prevalence of daily cannabis use by smoking status differed by demographic group. The disparities in these relationships were particularly notable by age, gender, and race/ethnicity.

The mechanisms underlying the relationship between tobacco and cannabis use are not clear, but because of the high rate of co-use, this topic is being intensely studied.³¹ Overlaps in the neurobiological systems involved with nicotine and cannabis (e.g., activation of the mesolimbic dopaminergic system) and cannabinoid receptors appear to mediate the rewarding effects of nicotine.^{31–33} In fact, cannabinoid agents have been proposed as potential treatments for nicotine dependence.³² Substitution has been defined as a conscious choice to substitute 1 drug for another, as described among medical

marijuana patients.^{34,35} In this case, use of tobacco and cannabis together may be driven by attempts to use 1 drug to alleviate some of the potential negative effects or consequences of the other drug.

Persons who quit smoking cigarettes may substitute cannabis to lessen withdrawal symptoms, using an alternative substance that is viewed as less addictive, less harmful, and carrying less stigma. With regard to withdrawal, some preclinical and clinical data suggest that cannabis use attenuates the experience of nicotine withdrawal.^{36,37} Also, both cannabis and nicotine are typically used by the same route of administration (i.e., inhalation) and are often used simultaneously through blunts or joints, which increases the amount of tetrahydrocannabinol inhaled.^{37,38} Preclinical research suggests that tetrahydrocannabinol increases the rewarding value of nicotine,³⁹ and numerous cannabis users report using tobacco to extend and enhance the effects of cannabis.^{39,40} One laboratory study showed that persons receiving nicotine through a transdermal patch, compared with a placebo patch, reported increased effects from cannabis, including a higher heart rate and self-rating of being “stimulated” and “high.”³¹

Complementarity is generally defined as the case when 2 drugs are used together at high rates, as tobacco and cannabis are, because of a desire to experience synergistic effects of the drugs. This is another potential explanatory mechanism for high levels of use of both substances. In addition, there is evidence that cannabis and tobacco have somewhat contrasting effects on cognition. Specifically, cannabis can have negative effects on cognition,^{41–43} whereas nicotine can have positive effects on cognition⁴⁴ and nicotine may be used as an attempt to attenuate cannabis-related negative cognitive effects.^{44–46} It is also conceivable that a pattern of use may begin as substitution and transform into complementarity. Furthermore, it is possible that a number of psychosocial, individual, and environmental factors influence co-use, especially with the changes in cannabis legal status and the increasing stigma associated with cigarette use. Future research that can investigate pathways that incorporate the reciprocal effects of neurobiological, psychosocial, psychological, and environmental factors will likely be needed to gain a better understanding of these mechanisms.

Upon examining the relationship between daily cannabis use and cigarette smoking by demographic subgroups, we found significant and robust relationships for all subgroups, but the strength of the relationships differed significantly by subgroup. The most striking disparity was by age, specifically among youths aged 12 to 17 years. Although the prevalence of daily cannabis use was almost nonexistent among those aged 12 to 17 years who have never smoked cigarettes (i.e., 0.65%), 27.6% of adolescent daily cigarette smokers and 12.52% adolescent nondaily cigarette smokers reported daily cannabis use. We are not aware of previous reports that have illustrated that daily cannabis use in youths occurs nearly entirely among those who also use cigarettes.

In addition to age, we found several other differences for demographic subgroups. Although the prevalence of daily cannabis use was higher among men than among women, the relationship between cigarette smoking and daily cannabis use was stronger among women than among men and the prevalence of daily cannabis use increased significantly more rapidly among women than among men over time. The strength of the relationship between cigarette smoking and daily cannabis use also increased with income, with the strongest relationship among those with incomes of \$75 000 and higher, although the relationship among those with \$20 000 and lower was still robust. Future in-depth work is needed to understand these shifting trends by gender and income.

Limitations

Limitations of this study should be considered. First, the level of cannabis use on a certain day is not known, and therefore this may vary considerably. Further, cannabis use was measured by self-report without biological verification and is therefore subject to report bias. Thus, level of consumption is not known and may vary considerably.

Second, the mode of administration of cannabis is not fully detailed. In future work, understanding whether the relations between cigarette smoking and cannabis use is related to route of administration of cannabis or tobacco would be helpful both from a public health perspective in assessing prevalence

trends and in furthering efforts to understanding the mechanisms of this relationship.

Additionally, because of the repeated cross-sectional nature of the NSDUH, we are unable to explore changes within the same individuals over time. Yet, the data do not allow observation of potentially important trends over time at the population level.

Conclusions

Because of the strong relationship between cigarette and cannabis co-use, and operating under the premise that increased daily cannabis use could be contributing to the deceleration in smoking prevalence in the United States, our primary goal was to investigate the relationship between cigarette smoking and daily cannabis use and to examine whether daily cannabis use has increased among smokers over time. We found that daily cannabis use has increased significantly among nondaily smokers and daily smokers. Yet, the rate of increase was most rapid among non-cigarette smokers.

The rate of increase of daily cannabis use among nondaily cigarette smokers was slightly higher than among daily cigarette smokers; and recent results suggest that whereas daily smoking continues to decline rapidly, nondaily smoking is not declining as rapidly and may be increasing in some groups. It is conceivable that this stunted decline in cigarette use is owing, in part, to the substantial increase in daily cannabis use in this group. Other work has recently found that nondaily smokers also appear to have higher levels of depression and other substance use, suggesting they are a group who requires further study.⁴⁷

We also found that although the relative prevalence of daily cannabis use among non-cigarette smokers is low compared with that among smokers, the rate of increase in nonsmokers is faster than it is among smokers. Previously, some work has found that cigarette use may be a gateway into other drug use behavior, including cannabis.⁴⁸ Yet, recent work suggests that (1) more permissive attitudes toward marijuana may mitigate this gateway effect, or (2) cannabis may serve as a gateway to cigarette use.⁴⁹ Because recreational cannabis has recently been legalized in a growing number of US states, nonsmokers may represent a new group at considerable

risk for high-frequency cannabis use in the years ahead. **AJPH**

CONTRIBUTORS

R. D. Goodwin conceptualized and supervised the study and led the writing, L. R. Pacek and M. Gbedemah conducted the analyses. J. Copeland, L. Dierker, M. J. Zvolensky, and D. S. Hasin provided critical feedback on the study design and results interpretation. S. Moeller and A. Weinberger contributed to the writing. M. M. Wall designed the statistical analytic plan.

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HUMAN PARTICIPANT PROTECTION

The study was deemed “exempt” according to federal regulations, under 45 CFR 46.101 (b) by the Institutional Review Board of Queens College, The City University of New York.

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The contribution of cannabis use to variation in the incidence of psychotic disorder across Europe (EU-GEI): a multicentre case-control study



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Summary

Background Cannabis use is associated with increased risk of later psychotic disorder but whether it affects incidence of the disorder remains unclear. We aimed to identify patterns of cannabis use with the strongest effect on odds of psychotic disorder across Europe and explore whether differences in such patterns contribute to variations in the incidence rates of psychotic disorder.

Methods We included patients aged 18–64 years who presented to psychiatric services in 11 sites across Europe and Brazil with first-episode psychosis and recruited controls representative of the local populations. We applied adjusted logistic regression models to the data to estimate which patterns of cannabis use carried the highest odds for psychotic disorder. Using Europe-wide and national data on the expected concentration of Δ^9 -tetrahydrocannabinol (THC) in the different types of cannabis available across the sites, we divided the types of cannabis used by participants into two categories: low potency (THC <10%) and high potency (THC \geq 10%). Assuming causality, we calculated the population attributable fractions (PAFs) for the patterns of cannabis use associated with the highest odds of psychosis and the correlation between such patterns and the incidence rates for psychotic disorder across the study sites.

Findings Between May 1, 2010, and April 1, 2015, we obtained data from 901 patients with first-episode psychosis across 11 sites and 1237 population controls from those same sites. Daily cannabis use was associated with increased odds of psychotic disorder compared with never users (adjusted odds ratio [OR] 3·2, 95% CI 2·2–4·1), increasing to nearly five-times increased odds for daily use of high-potency types of cannabis (4·8, 2·5–6·3). The PAFs calculated indicated that if high-potency cannabis were no longer available, 12·2% (95% CI 3·0–16·1) of cases of first-episode psychosis could be prevented across the 11 sites, rising to 30·3% (15·2–40·0) in London and 50·3% (27·4–66·0) in Amsterdam. The adjusted incident rates for psychotic disorder were positively correlated with the prevalence in controls across the 11 sites of use of high-potency cannabis ($r=0\cdot7$; $p=0\cdot0286$) and daily use ($r=0\cdot8$; $p=0\cdot0109$).

Interpretation Differences in frequency of daily cannabis use and in use of high-potency cannabis contributed to the striking variation in the incidence of psychotic disorder across the 11 studied sites. Given the increasing availability of high-potency cannabis, this has important implications for public health.

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Introduction

Many countries have legalised or decriminalised cannabis use, leading to concerns that this might result in an increase in cannabis use and associated harm,^{1,2} even if the latter only affects a minority of the population.³ Cross-sectional and prospective epidemiological studies^{4,5} as well as biological evidence⁶ support a causal link between cannabis use and psychotic disorder. Meta-analysis shows a dose–response association with the highest odds of psychotic disorder in those with the heaviest cannabis use.⁷ Nevertheless, it is not clear whether, at a population

level, patterns of cannabis use influence rates of psychotic disorder.^{8–10}

A systematic review¹¹ has described a five-times variation in the incidence of schizophrenia worldwide. A transnational case-control study (EU-GEI) has reported an eight-times difference in the incidence of psychotic disorder across 16 European sites plus one in Brazil.¹² Differences in the distribution of risk factors for psychosis, such as cannabis use, among the populations studied might contribute to these variations.

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Research in context

Evidence before this study

The evidence reporting the dose-dependent association between cannabis use and psychotic disorders has been summarised in the meta-analysis by Marconi and colleagues. We searched PubMed for studies published up to March 31, 2018, that had specifically measured the impact of high-potency cannabis use on the odds of psychotic disorder (not psychotic symptoms or psychosis in general) or that had calculated the proportion of new cases of psychotic disorder arising in specific populations that were attributable to the use of high-potency cannabis, using the terms “psychotic disorders” and “high potency cannabis” or “skunk-super skunk” or “high THC cannabis”; we also included the term “population attributable fraction”. Finally, we searched for studies that reported the impact of any use of cannabis on the incidence of psychotic disorder or schizophrenia. Three studies met our inclusion criteria. Boydell and colleagues speculated that an increase in the incidence rates of schizophrenia between 1965 and 1999 in south London might be related to the increase, over the same period, in the prevalence of cannabis use in the year before first presentation. Our two previous case-control studies showed that high-potency cannabis, especially when used daily, carries the highest risk for psychotic disorder and that, assuming causality, 24% of new cases of psychotic disorder in south London could be attributed to the use of high potency cannabis.

Added value of this study

This multicentre case-control study across ten European and one Brazilian site replicates the strong effect of daily use of

high-potency cannabis on the odds for psychotic disorder in the whole sample—which, to our knowledge, is the largest to date to address this question. This effect was particularly visible in London and Amsterdam. Additionally, we show that, assuming causality, if high-potency cannabis types were no longer available, then 12% of cases of first-episode psychosis could be prevented across Europe, rising to 30% in London and 50% in Amsterdam. Most importantly, we provide the first direct evidence that cannabis use has an effect on variation in the incidence of psychotic disorders. We show that differences in the prevalence of daily use of cannabis, and in use of high-potency cannabis, among the controls from the different study sites made a major contribution to the striking variations in the incidence rates of psychotic disorder that we have previously reported across the same sites.

Implications of all available evidence

In the context of the well reviewed epidemiological and biological evidence of a causal link between heavy cannabis use and psychotic disorders, our findings have substantial implications for mental health services and public health. Education is needed to inform the public about the mental health hazards of regular use of high-potency cannabis, which is becoming increasingly available worldwide.

Therefore, using data from the EU-GEI case-control study of first-episode psychosis and the previously published data on incidence,¹² we sought to describe differences in patterns of cannabis use across sites, identify the measure of cannabis use with the strongest impact on odds of psychotic disorder across sites, calculate the population attributable fraction (PAF) for the patterns of cannabis use associated with the highest odds for psychosis, and test whether differences in patterns of cannabis use contribute to variations in the incidence of psychotic disorder across sites.

Methods

Study design

The EU-GEI project set out to estimate the incidence of psychosis and recruit first-episode psychosis cases and controls to investigate risk factors for psychotic disorder. First, incidence rates were estimated¹² by identifying all individuals with a first episode of psychosis who presented to mental health services between May 1, 2010, and April 1, 2015, in 17 areas in England, France, the Netherlands, Italy, Spain, and Brazil (appendix). Second, to investigate risk factors, we attempted to assess 1000 first-episode cases and 1000 population-based controls during the same period.

Participants

Patients presenting with their first episode of psychosis were identified by trained researchers who carried out regular checks across the mental health services within the 17 catchment areas (one site per catchment area). Patients were eligible if they were aged 18–64 years and resident within the study areas at the time of their first presentation with a diagnosis of psychosis by ICD-10 criteria (F20–33); details are provided in the supplementary methods and in previous publications.¹² Cases were approached via their clinical team and invited to participate. Using the Operational Criteria Checklist algorithm, all cases interviewed received a research-based diagnosis.¹³ Patients were excluded if they had been previously treated for psychosis or if they met criteria for organic psychosis (F09) or for psychotic symptoms resulting from acute intoxication (F1X.5).

We adopted quota sampling strategies to guide the recruitment of controls. Accurate local demographic data were used to set quotas for controls to ensure the samples' representativeness of each catchment area's population at risk in terms of age, gender, and ethnicity. Potential controls were initially identified on the basis of locally available sampling strategies, most commonly random sampling from lists of all postal addresses and from general practitioner lists from randomly selected

surgeries. To achieve representation of hard-to-reach groups (eg, young men), we then tried to oversample them using more ad-hoc approaches such as internet and newspaper advertisements, and leaflets at local stations, shops, and job centres. Controls were excluded if they had received a diagnosis of, or treatment for, psychotic disorder.

All participants provided informed, written consent. Ethical approval was provided by research ethics committees in each site.

Measures

We obtained sociodemographic data using the Medical Research Council Sociodemographic Schedule, as described previously.¹⁴ An updated version of the modified Cannabis Experience Questionnaire¹⁵ (CEQ^{EP,SEI}) was used to gather detailed history of use of cannabis and other recreational drugs (appendix). To minimise recall bias, none of the recruitment materials for cases or controls mentioned cannabis or referred to its potential role as risk factor for psychotic disorder. Participants were asked if they had ever used cannabis in their lifetime; if the answer was yes, they were then asked to give details on their pattern of use. Questions on the type of cannabis used made no reference to its potency and allowed participants to report the colloquial name, in any language, of the cannabis they used.

We included six measures of cannabis use in the initial analyses, including lifetime cannabis use (ie, whether or not the individual had ever used cannabis), currently using cannabis, age at first use of cannabis,¹⁶ lifetime frequency of use (ie, the frequency that characterised the individual's most consistent pattern of use), and money spent weekly on cannabis during their most consistent pattern of use. Using data published in the European Monitoring Centre for Drugs and Drug Addiction 2016 report¹⁷ that reported the concentration of Δ^9 -tetrahydrocannabinol (THC) in the types of cannabis available across Europe, supplemented by national data for each included country,^{18–26} we created the final measure of cannabis potency (appendix).

Statistical analysis

We used complete case analyses for all analyses using Stata version 14. We used inverse probability weights to account for any oversampling of controls relative to the populations at risk (appendix); we gave each control's data a weight inversely proportional to their probability of selection given their key demographics (age, gender, and ethnicity) using census data on relevant populations. These weights were applied in all analyses.

To identify potential confounders, we used χ^2 and *t* tests to test for an association between sociodemographic data and the data on drug use with case-control status in the whole sample. On the basis of the χ^2 and *t* tests, data on the use of other recreational drugs were included as confounders in the main analyses, with low or no use scored as 0 and use scored as 1 in categorical variables:

tobacco (never used or smoked <10 cigarettes per day vs smoked \geq 10 cigarettes or more per day); stimulants, hallucinogens, ketamine, and novel psychoactive substances (so-called legal highs; never tried vs ever tried); and mean number of alcoholic drinks consumed daily on an average week. All sociodemographic and drug-use variables associated with case-control status were controlled for in all analyses (appendix).

We applied adjusted logistic regression models to estimate the effect of each of the six measures of cannabis use on the odds of a psychotic disorder (ie, case status). The data have a multilevel structure because cases and controls are nested within sites. To take account of this clustering in the logistic regression analysis, we used the cluster option in Stata. We fitted interaction terms to logistic models. These interaction models, using likelihood ratio tests, were run to investigate whether individual measures of cannabis use interacted with each other to significantly increase the odds ratios (ORs) for psychotic disorder and whether the ORs for psychotic disorder of the individual measures of cannabis use varied significantly by site.

The STATA *punafcc* command was used to calculate the population attributable fraction (PAF) with 95% CIs for the two cannabis use measures that carried the largest adjusted OR for psychosis. The PAF measures the population effect of an exposure by providing an estimate of the proportion of disorder that would be prevented if the exposure were removed, assuming causality.

To account for potential selection bias, we did a probabilistic sensitivity analysis using the STATA *episensi* command.²⁷ This analysis assumes that we can assign prior probability distributions for the bias parameters, which capture the uncertainty about those parameters, and use these distributions in a probabilistic sensitivity analysis (appendix).

Finally, we used Pearson's correlation to test for an association between the incidence rates for psychotic disorder adjusted for ethnic minority status in each site and the prevalence of daily cannabis use and use of high-potency cannabis in the controls as representing the general population for each site.

Role of the funding source

Study funders contributed to the salaries of the research workers employed but did not participate in the study design, data analyses, data interpretation, or writing of the manuscript. All authors had full access to the study data and had final responsibility for the decision to submit for publication.

Results

Between May 1, 2010, and April 1, 2015, we approached 1519 patients with first-episode psychosis; 356 (23%) refused to participate, 19 (1%) could not consent because of language barriers, and 14 (0.9%) were excluded because they did not meet the age inclusion

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See Online for appendix

	Controls (n=1237)	Cases (n=901)	p value
Age, years	36.0 (12.8)	31.2 (10.6)	<0.0001
Gender	..	..	<0.0001
Female	655 (53.0%)	343 (38.1%)	**
Male	582 (47.0%)	558 (61.9%)	**
Self-reported ethnicity	..	..	<0.0001
White	930 (75.2%)	532 (59.0%)	**
Black	118 (9.5%)	168 (18.6%)	**
Mixed	113 (9.1%)	104 (11.5%)	**
Asian	33 (2.7%)	32 (3.6%)	**
North African	23 (1.9%)	42 (4.7%)	**
Others	20 (1.6%)	23 (2.6%)	**
Education	..	..	<0.0001
School with no qualifications	66 (5.3%)	158 (17.5%)	**
School qualifications	159 (12.9%)	232 (25.7%)	**
Vocational or undergraduate	826 (66.8%)	465 (51.6%)	**
Postgraduate	177 (14.3%)	36 (4.0%)	**
Data missing	9 (0.7%)	10 (1.1%)	**
Employment status 1 year before assessment	..	..	<0.0001
Unemployed	95 (7.7%)	169 (18.8%)	**
Economically inactive (ie, house person)	122 (9.9%)	62 (6.9%)	**
Student	215 (17.4%)	146 (16.2%)	**
Employee (full time/part time/self-employed)	805 (65.1%)	488 (54.2%)	**
Data missing	0	36 (4.0%)	**
Lifetime cannabis use	..	..	<0.001
Yes	574 (46.4%)	585 (64.9%)	**
No	650 (52.5%)	303 (33.6%)	**
Data missing	13 (1.1%)	13 (1.4%)	**
Lifetime tobacco use	..	..	<0.0001
Smokes ≥10 cigarettes per day	158 (12.8%)	296 (32.9%)	**
Smokes <10 cigarettes per day	238 (19.2%)	182 (20.1%)	**
Never used	838 (67.8%)	421 (46.8%)	**
Data missing	3 (0.2%)	2 (0.2%)	**
Lifetime use of other drugs			
Legal highs	30 (2.4%)	39 (4.3%)	0.0142
Stimulants	149 (12.0%)	196 (21.8%)	<0.0001
Hallucinogens	111 (9.0%)	131 (14.5%)	<0.0001
Ketamine	35 (2.8%)	55 (6.1%)	0.0002
Data missing	2 (0.2%)	0	**

Data are n (%) or mean (SD).

Table 1: Sociodemographics and lifetime history of substance misuse across all included cases and controls

criteria. Patients who refused to participate were older ($p=0.0015$), more likely to be women ($p=0.0063$) and of white European origin ($p<0.0001$; appendix).

Thus, 1130 cases took part. These cases were broadly representative for gender and ethnicity of the incidence sample, although younger (mean age 31.2 years [SD 10.6], median 29 years [IQR 23–37] for cases vs mean 34.5 years [12.0], median 31 years [23.0–41.0] for the total incidence; $p<0.0001$; details by site are available in the appendix). All 17 sites contributed to the recruitment of 1499 population controls except for Maison Blanche, which was consequently excluded from the analysis (appendix).

Most sites had minimal missing sociodemographic ($\leq 3\%$) or CEQ_{EU-GES} data ($<5\%$). However, Verona, Santiago, Oviedo, Valencia, and Cuenca had at least 10% of data missing on the measures of cannabis use or on one or more of the main confounding variables; therefore, given their small sample sizes there was insufficient data to include these sites in the analysis. This resulted in 901 cases and 1237 controls for analysis.

Compared with controls, cases were younger, more often men, and from ethnic minorities, than the controls (table 1). Controls were more likely to have pursued higher education ($p<0.0001$) and to have been employed a year before assessment than cases ($p<0.0001$; table 1); the differences in gender, ethnicity, education, and employment are those expected when comparing patients with psychosis with general population samples.

More cases than controls reported having ever used cannabis, having smoked ten tobacco cigarettes or more a day, or having tried other recreational drugs (table 1). We found no difference between cases and controls in the mean number of alcoholic drinks consumed every day on an average week (5.2 drinks [SD 0.4] among controls vs 4.8 drinks [0.4] among cases; median 2.0 drinks [IQR 0.0–6.0] for controls vs 1.0 drink [0.0–4.0]; $p=0.45$).

An adjusted logistic regression model showed that those who had ever used cannabis had a modest increase in odds of psychotic disorder compared with those who had never used it (table 2); the odds were slightly greater in those who started to use cannabis at age 15 years or younger.

Daily cannabis use was associated with increased odds of psychotic disorder compared with never having used it (table 2); this remained largely unchanged when taking into account age at first use (OR 3.1, 95% CI 2.1–5.2), money spent (2.9, 1.9–4.4), and type of cannabis used (2.6, 2.0–3.9). Those who spent €20 or more a week showed more than a doubling in the odds of a psychotic disorder (2.5, 1.6–3.8), which dropped to 1.3 (95% CI 1.0–2.1) after controlling for daily use and type of cannabis used; we observed no interaction between daily use and money spent ($p=0.67$).

Use of high-potency cannabis (THC $\geq 10\%$) modestly increased the odds of a psychotic disorder compared with never use (table 2); this remained largely unchanged after controlling for daily use (OR 1.5, 95% CI 1.1–2.6). Those who had started using high-potency cannabis by age 15 years showed a doubling of risk (2.3, 1.4–3.1), without evidence of interaction ($p=0.63$).

Frequency of use and type of cannabis used were combined to generate a single-measure of frequency plus type of use because these two measures had the highest ORs. Adjusted logistic regression indicated that daily use of high-potency cannabis carried more than a four-times increase in the risk of psychotic disorder (OR 4.8, 95% CI 2.5–6.3) compared with never having used cannabis; the odds were lower for those who used low-potency cannabis daily (2.2, 1.4–3.6; figure 1). Nevertheless, there was no evidence of interaction

	Controls (n=1237)	Cases (n=901)	p value*	Crude OR (95% CI)†	p value	Fully adjusted OR (95% CI)†	p value
Lifetime cannabis use‡			<0.0001				
No	650 (52.5%)	303 (33.6%)	..	1 (ref)	..	1 (ref)	..
Yes	574 (46.4%)	585 (64.9%)	..	2.45 (2.0-2.9)	<0.0001	1.3 (1.1-1.6)	0.0225
Currently using cannabis	132 (10.7%)	198 (22.0%)	0.00349	2.7 (2.1-3.5)	<0.0001	1.1 (0.9-1.5)	0.36
First used cannabis age ≤15 years old	169 (13.7%)	257 (28.6%)	<0.0001	3.9 (3.0-4.9)	<0.0001	1.6 (1.1-2.1)	0.0122
Lifetime frequency of use			<0.0001				
Never or occasional use	1061 (85.8%)	528 (58.7%)	..	1 (ref)	..	1 (ref)	..
Used more than once a week	92 (7.4%)	107 (11.9%)	..	2.5 (1.9-3.5)	<0.0001	1.4 (1.0-2.0)	0.066
Daily use	84 (6.8%)	266 (29.5%)	..	6.2 (4.8-8.2)	<0.0001	3.2 (2.2-4.1)	<0.0001
Spent at least €20 per week on cannabis	40 (3.2%)	156 (17.4%)	<0.0001	5.6 (4.0-7.7)	<0.0001	2.5 (1.6-3.8)	<0.0001
Lifetime use of cannabis by potency§			<0.0001				
Low potency (THC <10%)	331 (26.7%)	251 (27.9%)	..	2.0 (1.6-2.5)	<0.0001	1.1 (0.9-1.5)	0.38
High potency (THC ≥10%)	240 (19.4%)	334 (37.1%)	..	3.2 (2.6-4.0)	<0.0001	1.6 (1.2-2.2)	0.0032

Crude ORs are adjusted only for age, gender, and ethnicity whereas fully adjusted ORs are additionally adjusted for level of education, employment status, tobacco, stimulants, ketamine, legal highs, and hallucinogenics. OR=odds ratio. THC=Δ⁹-tetrahydrocannabinol. *p value for χ² test. †Reference group for both crude and adjusted ORs is the never users unless specified otherwise. ‡Data were missing for 13 individuals in each group. §Data were missing for three controls.

Table 2: Measure of cannabis use and ORs for psychotic disorders for case-control sample across 11 sites

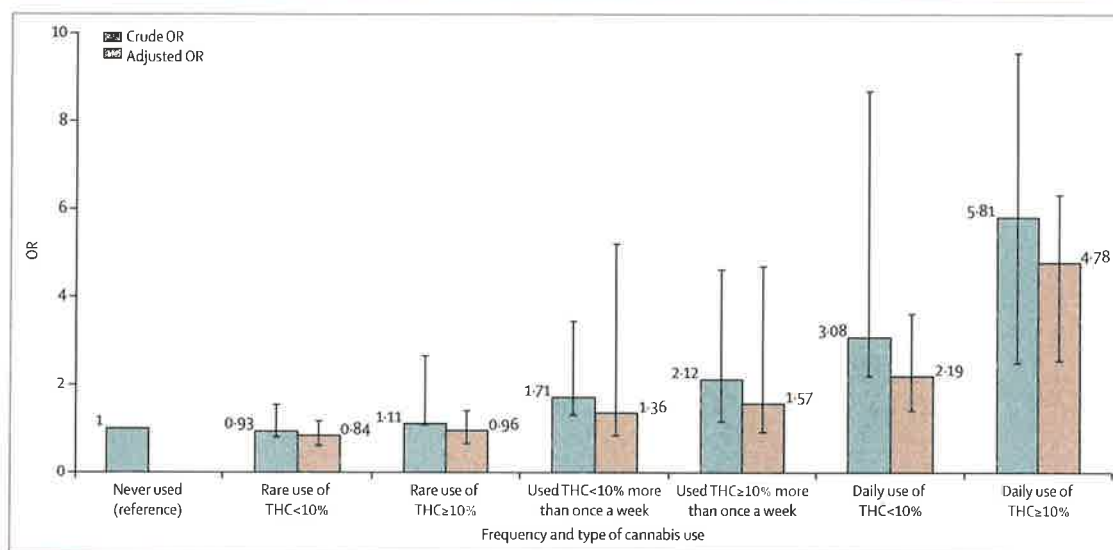


Figure 1: Crude and fully adjusted ORs of psychotic disorders for the combined measure of frequency plus type of cannabis use in the whole sample
Crude ORs are adjusted only for age, gender and ethnicity and fully adjusted ORs are additionally adjusted for level of education, employment status, and use of tobacco, stimulants, ketamine, legal highs, and hallucinogenics. Error bars represent 95% CIs. OR=odds ratio.

between frequency of use and type of cannabis used ($p=0.25$).

When considering variation by site, neither the ORs for daily use ($p=0.25$) nor those for high-potency cannabis ($p=0.45$), compared with never use, varied significantly across sites (table 3). The observed differences in ORs for daily use ranged from 7.1 (95% CI 3.4-11.8) in Amsterdam to 1.1 (0.4-12.2) in Puy de Dôme. Similarly, the differences in the ORs for use of high-potency cannabis, ranging from 3.6 (1.5-7.7) in Amsterdam to 0.6 (0.1-2.5) in Palermo, are consistent with the geographical differences in its availability.¹⁷

In the three sites with the greatest consumption of high-potency cannabis, daily use of high-potency cannabis was associated with the greatest increase in the odds for psychotic disorder compared with never having used: four times greater in Paris, five times greater in London, and more than nine times greater in Amsterdam (figure 2).

Based on the prevalence of daily cannabis use, and use of high potency cannabis, in cases and controls and the corresponding adjusted ORs, we estimated the PAFs for the whole sample and for each of the sites (table 3). Assuming causality, the proportion of new cases of psychotic disorder in the whole sample attributable to

	Fully adjusted OR (95% CI)	Prevalence of exposure in controls	Prevalence of exposure in cases	PAF (95% CI)
High-potency cannabis (THC ≥10%)				
Whole sample	1.6 (1.2-2.2)	19.1%	35.1%	12.2% (3.0-16.1)*
London (UK)	2.4 (1.4-4.0)	26.0%	51.5%	30.3% (15.2-40.0)*
Cambridge (UK)	1.3 (0.4-4.3)	11.0%	34.7%	8.2% (0.5-18.7)
Amsterdam (Netherlands)	3.6 (1.5-7.7)	54.0%	69.6%	50.3% (27.4-66.0)*
Gouda and Voorhout (Netherlands)	1.5 (0.8-3.1)	18.2%	36.0%	12.2% (8.7-25.3)*
Paris (Val-de-Marne; France)	2.1 (0.8-3.6)	21.0%	35.9%	18.9% (14.6-36.0)*
Puy de Dôme (France)	1.5 (0.4-5.8)	3.7%	7.1%	2.3% (0.6-17.2)
Madrid (Spain)	2.0 (0.7-5.7)	15.1%	34.0%	17.2% (0.9-25.0)
Barcelona (Spain)	1.6 (0.5-5.1)	7.8%	13.2%	4.7% (0.5-12.4)
Bologna (Italy)	1.2 (0.8-1.7)	8.7%	11.1%	1.9% (0.6-16.3)
Palermo (Italy)	0.6 (0.1-2.5)	5.2%	4.3%	Not calculated
Ribeirão Preto (Brazil)	2.1 (0.6-11.3)	1.5%	3.6%	1.9% (0.3-4.1)
Daily cannabis use				
Whole sample	3.2 (2.2-4.1)	6.8%	29.5%	20.4% (17.6-22.0)*
London (UK)	3.6 (1.4-4.4)	11.7%	29.0%	21.0% (11.1-31.2)*
Cambridge (UK)	2.2 (0.8-6.5)	4.0%	20.2%	10.4% (4.7-21.0)*
Amsterdam (Netherlands)	7.1 (3.4-11.8)	13.1%	51.0%	43.8% (34.0-69.1)*
Gouda and Voorhout (Netherlands)	2.8 (1.4-20.3)	6.0%	27.0%	17.4% (1.1-23.1)*
Paris (Val-de-Marne; France)	2.8 (1.7-12.3)	11.6%	32.3%	20.8% (13.5-36.1)*
Puy de Dôme (France)	1.1 (0.4-12.2)	6.0%	11.0%	1.2% (0.8-15.4)
Madrid (Spain)	2.5 (2.1-7.3)	10.5%	21.2%	12.7% (3.7-14.2)*
Barcelona (Spain)	1.8 (0.8-8.7)	8.3%	18.9%	8.6% (0.6-9.9)
Bologna (Italy)	2.0 (0.5-5.8)	4.1%	17.3%	8.2% (0.8-11.7)
Palermo (Italy)	1.7 (0.7-9.7)	5.1%	17.1%	6.3% (0.9-21.1)
Ribeirão Preto (Brazil)	2.4 (1.5-7.5)	7.4%	25.0%	14.5% (10.2-24.1)*

OR=odds ratio. PAF=population attributable fraction. *p<0.05.

Table 3: PAFs for daily use of cannabis and use of high-potency cannabis in the whole sample and by site

daily use was 20.4% (95% CI 17.6–22.0) and 12.2% (3.0–6.1) for use of high-potency cannabis (table 3).

The PAF analysis revealed variations by sites, ranging from 43.8% (95% CI 34.0–69.1) of new cases of psychotic disorder in Amsterdam being attributable to daily use to just 1.2% (0.8–15.4) of cases in Puy de Dôme. Furthermore, the PAF for use of high-potency cannabis ranged from 50.3% (27.4–66.0) of cases in Amsterdam to 1.9% (0.6–16.3) estimated in Bologna. We did not calculate the PAF for Palermo because there was no main effect of use of high-potency cannabis on the odds for psychotic disorder.

The probabilistic sensitivity analyses we ran suggest that selection bias is unlikely to explain our findings (appendix). After correction for selection bias, the OR for daily cannabis use (5.7, 95% CI 3.5–9.4) was similar to the original OR (5.7, 4.4–7.5). However, the CI for the corrected OR was wider than that for the original OR, suggesting a wider range of possible values for the true OR with 95% certainty. The results of the probabilistic sensitivity analysis to estimate the potential effects of

selection bias on high potency cannabis use were similar (appendix).

The EU-GEI incidence study reported an eight-times variation in the incidence rates of psychotic disorder adjusted for age, gender, and ethnic minority status across the study sites.¹² We found a correlation between the adjusted incidence rates for psychotic disorder in our 11 sites and the prevalence of daily cannabis use in controls ($r=0.8$; $p=0.0109$). Sites where daily use was common such as London (26 [11.7%] of 223 controls) and Amsterdam (13 [13.0%] of 100 controls) had among the highest adjusted incidence rates (45.7 cases per 100 000 person-years in London and 37.9 per 100 000 person-years in Amsterdam). This differed from sites such as Bologna where daily use was less frequent (three [4.6%] of 65 controls) and the adjusted incidence rate was half that of London (21.0 cases per 100 000 per person years; figure 3).

Similarly, we found a correlation between adjusted incidence rates for psychotic disorder and the prevalence of use of high-potency cannabis in controls across the 11 sites ($r=0.7$; $p=0.0286$). Amsterdam (54 [54.0%] of 100 controls), London (58 [26.0%] of 223 controls), and Paris (21 [21.0%] of 100 controls) had the highest prevalence of use of high-potency cannabis in controls and the highest adjusted incidence rates for all psychosis (45.7 per 100 000 person-years in London, 37.9 in Amsterdam, and 46.1 in Paris; figure 3). The prevalence of daily use and the prevalence of use of high-potency cannabis in controls were only modestly correlated ($r=0.2$; $p=0.0413$), therefore we report data for both (figure 3).

Discussion

Our main findings show that among the measures of cannabis use tested, the strongest independent predictors of whether any given individual would have a psychotic disorder or not were daily use of cannabis and use of high-potency cannabis. The odds of psychotic disorder among daily cannabis users were 3.2 times higher than for never users, whereas the odds among users of high-potency cannabis were 1.6 times higher than for never users. Starting to use cannabis by 15 years of age modestly increased the odds for psychotic disorder but not independently of frequency of use or of the potency of the cannabis used. These measures of extent of exposure did not interact with each other, nor did they interact with the sites. This lack of interaction between degree of cannabis use (ie, daily use of cannabis or use of high-potency cannabis) and site might reflect insufficient power in our study; however, it could also indicate that although the magnitude of the effect might vary depending on the degree of cannabis use, there is a consistent effect of daily use and use of high-potency cannabis on the ORs for psychotic disorders across all study sites.

We replicated our previous finding²⁸ that daily use of high-potency cannabis is most strongly associated with

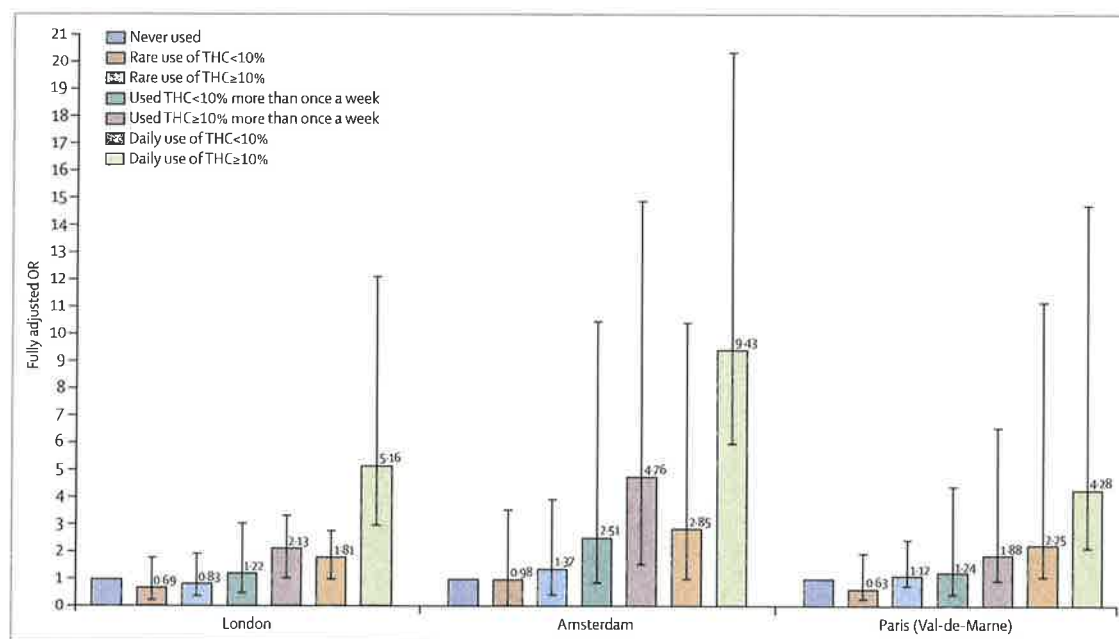


Figure 2: Fully adjusted ORs of psychotic disorders for the combined measure of frequency plus type of cannabis use in three sites

Data are shown for the three sites with the greatest consumption of cannabis: London (201 cases, 230 controls), Amsterdam (96 cases, 101 controls), and Paris (54 cases, 100 controls). Error bars represent 95% CIs. OR=odds ratio.

case-control status. Compared with never users, participants who used high-potency cannabis daily had four-times higher odds of psychosis in the whole sample, with a five-times increase in London and a nine-times increase in Amsterdam. We also saw that, in the whole sample, daily use of high-potency cannabis was associated with a doubling in the OR for psychotic disorder. The large sample size and the different types of cannabis available across Europe have allowed us to report that the dose-response relationship characterising the association between cannabis use and psychosis⁷ reflects not only the use of high-potency cannabis but also the daily use of types with an amount of THC consistent with more traditional varieties.

Use of high-potency cannabis was a strong predictor of psychotic disorder in Amsterdam, London, and Paris where high-potency cannabis was widely available, by contrast with sites such as Palermo where this type was not yet available. In the Netherlands, the THC content reaches up to 67% in Nederhasj and 22% in Nederwiet; in London, skunk-like cannabis (average THC of 14%) represents 94% of the street market²⁹ whereas in countries like Italy, France, and Spain, herbal types of cannabis with THC content of less than 10% were still commonly used.^{17,18}

Thus our findings are consistent with previous epidemiological and experimental evidence suggesting that the use of cannabis with a high concentration of THC has more harmful effects on mental health than does use of weaker forms.^{28,30,31}

The novelty of this study is its multicentre structure and the availability of incidence rates for psychotic disorder for all the sites. This has allowed us, for the first time, to show how the association between cannabis use and risk of psychosis varies geographically depending on prevailing patterns of use, and how the latter contributes to variation in incidence rates for psychotic disorder.

Variations in patterns of cannabis use across the sites translated into differences in the proportion of new cases of psychotic disorder attributable to cannabis use. We estimated, assuming causality, that 20% of new cases of psychotic disorder across all our sites could have been prevented if daily use of cannabis had been abolished; the PAF for daily use was 21% for London, similar to that previously reported,³ but ranged from 44% in Amsterdam to 6% in Palermo. The local availability of high-potency types of cannabis resulted in a PAF of 50% for Amsterdam and 30% for London. Therefore, assuming causality, if high-potency cannabis were no longer accessible, the adjusted incidence rates for all psychotic disorder in Amsterdam would drop from 37.9 to 18.8 cases per 100 000 person-years and in London from 45.7 to 31.9 cases per 100 000 person-years.

Finally, we report what, to our knowledge, is the first evidence that differences in the prevalence of daily use and use of high-potency cannabis in the controls correlate with the variation in the adjusted incidence rates for psychotic disorder across the study sites. Our results show that in areas where daily use and use of high-potency cannabis are more prevalent in the general

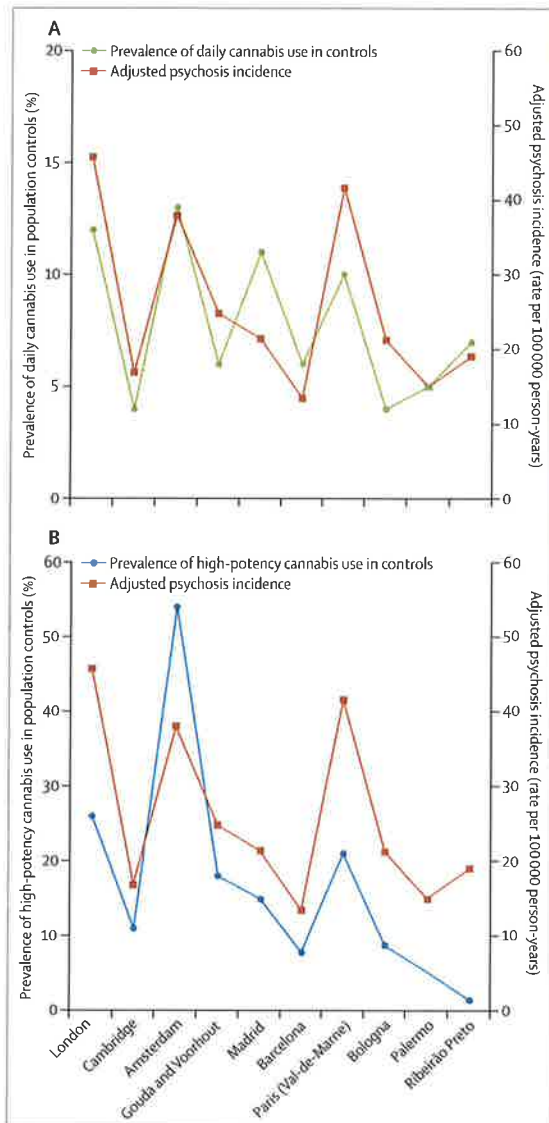


Figure 3: Adjusted incidence rates for all psychosis for the 11 sites plotted against the prevalence of daily use in the population controls (A) and prevalence of use of high-potency cannabis in the population controls (B). Incidence rates are adjusted for age, gender, and ethnicity. Puy-de-Dôme is not included because data on ethnicity were missing for 27 (66%) of 42 incidence cases, therefore the adjusted incidence rate for this site was not calculated.

population, there is an excess of cases of psychotic disorder.

Our findings need to be appraised in the context of limitations. Data on cannabis use are not validated by biological measures, such as urine, blood, or hair samples. However, such measures do not allow testing for use over previous years.²⁶ Moreover, studies with laboratory data and self-reported information have shown that cannabis users reliably report frequency of use and the type of cannabis used.^{32,33}

Our potency variable does not include the proportion of another important cannabinoid, cannabidiol (CBD),³⁴ because reliable data on this were available for only England and Holland.^{17,19,24,25,34} We categorised the reported types of cannabis used as low and high potency on the basis of the available estimates of mean percentage of THC from official sources. Although this approach does not account for variations in the THC content in individual samples, we used a conservative cutoff of 10%. Given the much higher mean percentage of THC expected in types of cannabis commonly used in UK^{24,29} and in Holland,¹⁹ our dichotomous categorisation might have led to underestimation of the effect of potency on the ORs for psychotic disorder. Furthermore, a direct measure of the THC content of the cannabis samples used by our participants would have only provided data on THC value for a single timepoint rather than an estimate covering lifetime use.

When setting quotas based on the main sociodemographics of the populations at risk for the recruitment of controls, we applied weights to account for under-sampling or oversampling of some groups. For instance, most of the sites oversampled the age group 16–24 years (appendix), which represents the part of the population most likely to consume cannabis¹⁷ and the most likely to suffer associated harm.^{6,16,35}

Moreover, none of the sites mentioned either cannabis, or other, drug use in the materials used for participant recruitment, thus avoiding selection and recall bias. First-episode studies minimise the effect of recall bias, which can be a source of error when history of exposure to environmental factors is collected retrospectively in patients with well established psychosis. This study design also reduces the chances of results being biased by illness course; therefore, it is preferred to investigate aetiology.³⁶

In conclusion, our findings confirm previous evidence of the harmful effect on mental health of daily use of cannabis, especially of high-potency types. Importantly, they indicate for the first time how cannabis use affects the incidence of psychotic disorder. Therefore, it is of public health importance to acknowledge alongside the potential medicinal properties of some cannabis constituents the potential adverse effects that are associated with daily cannabis use, especially of high-potency varieties.

Contributors

CG-A, GT, CLC, DLB, LF, EV, IT, HEJ, CMD-B, LdH, JvO, BPFR, CM, MB, CMdB, J-PS, JBK, AT, AS, CA, PRM, MDF, and all the authors in the EU-GEI group collected or supervised the data collection. MDF, DQ, GT, IT, HEJ, CLC, and LF cleaned and prepared the data for this paper analysis. MDF did the data analysis and wrote the findings in the initial manuscript. TPF, HEJ, DQ, and GT contributed to creation of the figures and tables. CM, CML, RMM, PCS, JvO, BPFR, LdH, J-PS, DB, IT, ML, TPF, JBK, CA, and PBJ provided a careful statistical and methodological revision of the manuscript and contributed to the final draft. RMM, ML, and CM contributed to the interpretation of the results. All authors had full access to all data (including statistical reports and tables) in the study and take responsibility for the integrity of the data and the accuracy of the data analysis.

Declaration of interests

RMM reports personal fees from Janssen, Lundbeck, Sunovion, and Otsuka, outside of the submitted work. MDF reports personal fees from Janssen, outside the submitted work. MB reports grants and personal fees from Adamed, Janssen-Cilag, Otsuka, and Abbiotics; personal fees from Angelini and Casen Recordati; and grants from Lundbeck and Takeda, outside of the submitted work. PBJ reports personal fees from being a member of the scientific advisory boards for Janssen and Ricordati, outside of the submitted work. CA reports personal fees from Acadia, Ambrossetti, Gedeon Richter, Janssen Cilag, Lundbeck, Merck, Otsuka, Roche, Servier, Shire, Schering Plough, Sumitomo Dainippon Pharma, Sunovion, and Takeda; and grants from CIBERSAM, Familia Alonso, Fundación Alicia Koplowitz, the European Commission, the Spanish Ministry of Science and Universities, and the Comunidad de Madrid, during the conduct of the study. All other authors declare no competing interests.

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Cannabis and psychosis: triangulating the evidence



Ted Kinman/Science Source/SPF

Disentangling causality where complex and confounded behaviours might be impacting on even more complex mental health outcomes is notoriously challenging, and requires tackling the question in a number of different ways to triangulate the evidence. Although observational epidemiology and experimental studies are broadly consistent in indicating a link between heavy cannabis use and risk of psychosis,¹ an often-mentioned anomaly when considering the association is that while cannabis use has increased in some populations, the corresponding level of psychosis incidence has not. Marta Di Forti and colleagues² explored this paradox in more detail, examining detailed measures of cannabis use from 901 patients with first-episode psychosis and 1237 controls across 11 sites in Europe. Additionally, they used cannabis data from their control sample to assess the link between patterns of cannabis use in the region and data for psychosis incidence in that location taken from the EU-GEI project. Their results suggest that some of the variation in frequency of use and type of cannabis used might be implicated in differing rates of psychosis across the different locations, going against the previously held notion.

In recent years, attention has turned to the impact of various cannabinoids on risk of poor mental health. In particular, there is some suggestion from short-term experimental intoxication studies that ratios of Δ^9 -tetrahydrocannabinol (THC) to cannabidiol (CBD) could have an impact on risk of psychotic-like experiences,³ with some emerging evidence even suggesting that CBD might be anti-psychotic.⁴ Although they were unable to directly measure cannabis potency, Di Forti and colleagues created a cannabis potency variable by using self-reported type of cannabis used combined with Europe-wide data published by the European Monitoring Centre for Drugs and Drug Addiction on the concentration of THC in cannabis found in the countries under investigation. While this approach is subject to some uncertainty, as levels of THC are not necessarily consistent within a country or even a region,⁵ and sample sizes were small, it is a novel and inventive way to account for levels of THC, and one which is likely to be more accurate than only asking participants to self-report the strength of their cannabis. Unfortunately, data for CBD were not available in most

countries so could not be accounted for in this potency variable.

All study patients were diagnosed using the same ICD-10 criteria, meaning diagnoses were harmonised and therefore directly comparable across sites. The sample size was large, although when split across the 11 sites it was reduced (15–201 cases per site), meaning associations within individual sites might be underpowered. The associations seen between cannabis and psychosis were largely driven by daily cannabis users, and particularly those daily users consuming high potency cannabis. In non-daily users, effect sizes did not differ between the cannabis potency groups, and there was no evidence of an association between less-than-weekly cannabis use and psychosis, regardless of potency.

As well as this individual level case-control study, Di Forti and colleagues also examined the relationship between incidence rates for psychotic disorder across 11 of the different study sites, and cannabis use patterns in the control group sampled for their case-control study. They found that for almost every site assessed in the study, prevalence of daily cannabis use in the controls, or prevalence of high potency cannabis use, was correlated with incidence rates for psychosis in the location in question, although cannabis use sample sizes were very small (37–302 controls per site).

Does this mean we can now be sure that (daily and high potency) cannabis use causes psychosis? Unfortunately, not all the evidence utilising different methods is consistent about causality. For example, studies using genetic data have found evidence possibly consistent with shared genetic aetiology between risk of psychosis and likelihood to use cannabis.⁶ Di Forti and colleagues' study asks participants about their cannabis use prior to their first episode psychosis diagnosis, but it is possible that subclinical symptoms might have existed prior to cannabis initiation, meaning that associations in the opposite direction cannot be ruled out.

It is perfectly possible that the association between cannabis and psychosis is bidirectional, as suggested by other work using genetic variables as proxies for the exposures of interest in a Mendelian randomisation design.^{7a} Di Forti and colleagues' study adds a new and novel study design to the evidence available, which

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consistently indicates that for some individuals there is an increased risk of psychosis resulting from daily use of high potency cannabis. Given the changing legal status of cannabis across the world, and the associated potential for an increase in use, the next priority is to identify which individuals are at risk from daily potent cannabis use, and to develop educational strategies and interventions to mitigate this.

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I declare no competing interests.

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Supplementary appendix

This appendix formed part of the original submission and has been peer reviewed. We post it as supplied by the authors.

Supplement to: Di Forti M, Quattrone D, Freeman TP, et al, and the EU-GEI WP2 Group. The contribution of cannabis use to variation in the incidence of psychotic disorder across Europe (EU-GEI): a multicentre case-control study. *Lancet Psychiatry* 2019; published online March 19. [http://dx.doi.org/10.1016/S2215-0366\(19\)30048-3](http://dx.doi.org/10.1016/S2215-0366(19)30048-3).

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s-Figure 1. FEPP recruitment flow chart

This supplementary material has been provided by the authors to give readers additional information about their work.

Methods

Recruitment:

Cases: We followed procedures previously used to generate representative samples of first episode psychosis patients (FEPp) (1). We identified all individuals aged 18 to 64 years, who contacted mental health services for a suspected first episode of psychosis (FEP), over periods up to four years in 17 catchment areas in England (Southeast London, Cambridgeshire & Peterborough); France (20th arrondissement of Paris, Val-de-Marne, Puy-de-Dôme); the Netherlands (Central Amsterdam, Gouda & Voorhout); Italy (part of the Veneto region, Bologna, and Palermo); Spain (Madrid-Vallecas, Barcelona, Valencia, Oviedo, Santiago, Cuenca), and; Brazil (Ribeirão Preto, Sao Paulo) (full details of the incidence sample recruitment and general description of the incidence study methods are available from the recently published paper by Jogsma et al 2008 (2)).

Case ascertainment involved trained researchers making regular contact with all secondary and tertiary mental healthcare providers to identify potential cases and searching electronic clinical records, where available. In this process, all cases with psychosis within services were considered. In all countries, it was uncommon for people to be treated for FEP in primary care; instead people with suspected psychosis would typically be referred to specialist mental health services. Research teams were overseen by a psychiatrist with experience in epidemiological research, and included trained research nurses and clinical psychologists. Teams received training in epidemiological principles and incidence study design to minimize non-differential ascertainment bias across different local and national healthcare systems (see training package on the study website:

<https://www.kcl.ac.uk/ioppn/depts/hspr/research/social-epidemiology-research-group/current-projects.aspx>).

As explained in the main text, between May 1, 2010, and April, 1 2015, we approached 1519 patients with first-episode psychosis. Of these 356 (1%) refused to participate, 19 (23%) could not consent because of language barriers and 14 (0.9%) were later excluded (London N=3; Madrid N=2; Bologna N=1; Ribeirão Preto N=8) as they did not meet the age inclusion criteria. For all patients who were not part of the study, local research ethics committees approved the extraction of demographics and clinical information from patient records. Patients who refused to participate were older [FEP_{consented} mean age=30.8 (10.5), median=29.0 (22.0 to 37.0); FEP_{refused} mean age=32.8 (11.5), median=31.0 (25.0 to 42.0); p=0.0015], more likely to be women [FEP_{consented} male=558 (61.9%); FEP_{refused} male=311 (54.7%), $\chi^2(1)=7.6$; p=0.0063] and of White European origin [$\chi^2(5)=38$, p<0.0001] (s-Table2 for details by site). 1130 First Episode Psychosis Patients (FEPp) across the study sites consented to take part in the case-control study (s-Table 1). The FEPp recruited in the case-control study are broadly representative for gender and ethnicity of the rest of the incidence sample. However, in London, Amsterdam and Ribeirao Preto cases aged 18–24 were over-represented in the case-control sample and those aged 45–54 and 55 or over were under-represented compared with the incidence sample (s-Table 2)

Supplementary Table 1: Number of participants of the case-control study recruited by each site who met the inclusion criteria.

Catchment area		
	Controls	Cases
England		
Southeast London	230	201
Cambridgeshire	108	45
The Netherlands		
Amsterdam	101	96
Gouda & Voorhout	109	100
Spain		
Madrid	38	39
Barcelona	37	31
Valencia*	32	49
Oviedo*	39	39
Santiago*	38	28
Cuenca*	38	18
France		
Paris (Maison-Blanche)*	0	36
Paris	100	54
Puy-de-Dome	47	15
Italy		
Bologna	65	70
Verona*	115	59
Palermo	100	58
Brazil		
Ribeirão Preto	302	192
Total	1,499	1,130

*Sites excluded for the case-control analysis because of missing data $\geq 10\%$. Mason-Blanche was excluded from the case-control analysis, as they did not recruit any controls.

Supplementary **Table 2** χ^2 and p-values for comparisons between those cases who participated in the case-control arm of the study and those who did not. The table shows how the case-control study cases are representative of the rest of the incidence sample by site. (Age range groups included the following categories: 18–24; 25–34; 35–44; 45–54; 55–64) (modified from 3)

	Age				Gender				Minority status			
	Mean, sd; (Median) case-control sample	Mean; (Median) rest of the incidence sample	χ^2 (based on age groups)	p-value	Male %; N case-control sample	Male %; N rest of the incidence sample	χ^2	p-value	%; N minority Case control	%; N minority Rest of the incidence sample	χ^2	p-value
England												
Southeast London	29.6, 9.4 (27)	34.6, 11.2 (33)	31.4	<0.0001	63.2 (127)	51.4 (112)	5.9	0.0151	70.6 (142)	77.1 (168)	2.2	0.13
Cambridgeshire	28.1, 7.9 (26)	32.5, 12.3 (29)	6.8	0.15	55.6 (25)	57.0 (126)	0.0	0.86	35.6 (16)	41.8 (87)	0.6	0.44
The Netherlands												
Amsterdam	27.6, 8.1 (25)	38.2, 12.5 (36)	50.5	<0.001	74.0 (71)	59.9 (118)	5.6	0.18	70.8 (68)	73.6 (134)	0.2	0.62
Gouda & Voorhout	31.7, 11.1 (29)	32.5, 12.0 (30)	1	0.9	65.0 (65)	54.6 (36)	1.8	0.18	17 (17)	35.4 (23)	7.2	0.0273
Spain												
Madrid	33.1, 11.1 (33)	33.9, 9.6 (30)	2.5	0.64	69.2 (27)	63.3 (31)	0.3	0.56	10.3 (4)	12.5 (2)	0.1	0.8
Barcelona	29.4, 11.3 (30)	30.7, 13.4 (28)	2.5	0.63	74.2 (23)	50.7 (39)	5	0.0253	20 (6)	22.4 (15)	0.1	0.79
Valencia	31.5, 11.4 (27)	35.6, 10.3 (35.5)	3.3	0.51	61.2 (30)	20.0 (2)	5.7	0.0170	16.3 (8)	22.2 (2)	0.2	0.67
Oviedo	34.7, 10.8 (35)	36.0, 9.7 (33)	3.4	0.49	51.3 (20)	46.5 (20)	0.2	0.67	20.5 (8)	12.5 (4)	0.8	0.37
Santiago	32.1, 11.2 (31)	42.9, 10.4 (44)	8.7	0.07	64.3 (18)	37.5 (3)	1.8	0.17	0 (0)	0 (0)	n/a	n/a
Cuenca	29.2, 9.5 (27)	28.3, 11.2 (25)	0.7	0.88	77.8 (14)	77.8 (7)	0.0	1.00	16.7 (3)	33.3% (3)	1	0.33
France												
Paris (Maison Blanche)	31.4, 10.2 (30)	34.1, 12.1 (31)	2.9	0.56	66.7 (24)	70.2 (59)	0.1	0.69	58.3 (21)	44.0 (65)	9.9	0.0101
Paris	31.3, 10.1 (27)	33.6, 11.2 (30)	4.6	0.33	61.1 (33)	48.1 (75)	2.7	0.1	22.2 (12)	67.9 (70)	22.6	0.0004
Puy-de-Dome	37.3, 13.4 (32)	33.7, 12.7 (34)	8.8	0.07	60.1 (9)	70.4 (19)	0.5	0.49	20.0 (3)	n/a	n/a	n/a
Italy												
Bologna	32.5, 9.9 (33)	33.3, 10.5 (30)	7.2	0.13	50.0 (35)	53.7 (51)	0.2	0.64	28.6 (20)	29.5 (28)	0.0	0.9
Veneto	36.5, 10.1 (37)	36.6, 12.3 (36.5)	6.9	0.14	55.9 (33)	52.0 (26)	0.2	0.68	16.7 (9)	20 (10)	0.2	0.66
Palermo	30.1, 8.9 (28)	34.5, 10.2 (31)	12.7	0.01	58.6 (34)	54.6 (66)	0.3	0.6	6.9 (4)	14.1 (17)	1.9	0.16
Brazil												
Ribeirão Preto	32.3, 11.2 (30)	35.9, 10.6 (35)	24.1	<0.0001	56.8 (109)	49.1 (161)	2.9	0.09	49.5 (95)	33.7 (90)	11.5	0.0031

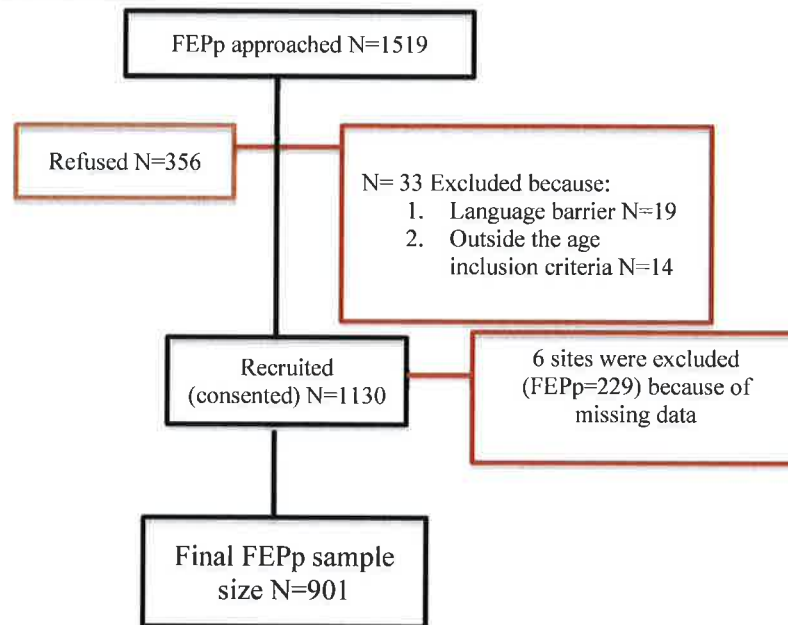
Controls: All sites contributed to the recruitment of 1499 population controls except for Maison Blanche, which consequently was excluded from the case-control analysis (s-**Table 1**). Controls were recruited using a mix of random and quota sampling that aimed to obtain samples representative for age, gender and ethnicity of each site population at risk. Nevertheless, controls aged 18–34 were over-sampled and those aged 35 and over were under-sampled ($\chi^2=212.4$, $p<0.0001$, s-**Table 3**). Differences by gender and ethnicity are also reported in s-**Table 3**. As reported in the main methods section we used inverse probability weights to account for any over and under sampling of controls relative to the populations at risk; we gave each control's data a weight inversely proportional to their probability of selection, on key demographics (age, gender, ethnicity, using census data on relevant populations). The weights were applied in all analyses.

Supplementary Table 3: Representativeness of the control sample compared with the population-at-risk (This does not include Paris- Maison Blanche where no controls were recruited)(2)

	Population at-risk		Controls			
	<i>n</i>	Percentage	<i>N</i>	Percentage	χ^2	p-value
Age						
18-24	1,828,075	14.1	323	21.7	212.4	<0.0001
25-34	3,057,640	23.6	511	34.3		
35-44	3,058,837	23.7	323	15.6		
45-54	2,856,614	21.9	253	17.0		
55-64	2,152,499	16.6	172	11.5		
Gender						
Male	6,337,783	49.5	672	46.0	7.1	0.0077
Female	6,464,653	50.5	788	54.0		
Minority status						
Majority	9,881,660	77.2	1,072	72.1	21.7	<0.0001
Minority	2,917,823	22.8	414	27.9		

Final FEPp and Controls sample size: The controls (N=262) and the cases (N=229) from 6 sites, as reported in s-**Table 1** had *missing data* $\geq 10\%$ on the main measures of cannabis use and/or on one or more of the main confounding variables, and they were excluded from the analysis resulting in a final number of controls N=1237 and in a final number of cases N=901(see flow chart below, main text Figure 1).

FEPp recruitment flow chart:



Incidence rates:

The full description of how the Incidence rates for all Psychosis used in the analysis were calculated, can be found in the already published paper by Jongsma et al, 2018 (2). In summary, where case ascertainment is complete and denominator data on the population at risk is available, it is possible to derive estimates of incidence, on the assumption that the population is in a ‘steady state’ (i.e., the size of the population remains steady over time, even while some individuals leave and some arrive) (2–4). We identified all cases with psychosis in each catchment area and, to determine the denominator, we used country census data for each catchment area (ie, to determine population at risk in each catchment area). With this information, we were able to estimate incidence rates. Puy-de-Dôme (France), data on minority status was missing from the incidence cases for 66% (n=27); therefore, the adjusted IR for this site were not calculated (2), and thus not included in the analysis presented in the graph.

Measures:

The Cannabis Experienced Questionnaire firstly described by Barkus et al 2006 (5), was later modified (CEQ_{mv}) (6) to expand 1) questions on the pattern of use including the assessment of the type of cannabis, 2) the section on other drug use and 3) to reduce the section on the experiences following a factor analysis (6). For the EUGEI study we further modified it (CEQ_{EUGEI}) to 1) include questions to assess dependence for cannabis use and other drugs, and 2) to describe use and changes in cannabis use over 3 age periods: 0–11 years old; 12–17 years old and 18 and older.

The Cannabis Experience Questionnaire (CEQ)'s questions we selected to construct our measures of cannabis exposure aimed to ascertain the pattern of use that described the “most” each participant used over the period they used; thus these were mostly questions covering life-time use rather than current use. : 1) lifetime cannabis use: have you ever used cannabis yes/no; 2) current use: are you currently using cannabis?; 3) age at first use of cannabis in years that in accordance with the existing literature (7) is dichotomized as in s-Table 4; 4) frequency of use: “describe how often from the following options”: a) I used it only once or twice; b) about once a year; c) few times a year; d) about one/twice a month; e) about once a week; f) more than once a week; g) every day.

5) What type of cannabis did you mostly use? (name given in native language; see next paragraph for more details.

6) How much money did you spent per week ? Choose from: a) less than 2·50 EURO; b) 2·50 to 5·00 EURO; c) 6·00 to 10·00 EURO; d) 11·00 to 15·00 EURO; e) 16·00 to 20·00 EURO; f) above 20·00 EURO. (s-Table 4).

Adjusted logistic regressions for age gender and ethnicity were run using the above raw variables as predictors of case-control status. Then for each variable we grouped the listed categories according to the effect size (OR) for case-control status. For instance, the adjusted logistic regression indicated that when using the above raw frequency variables, only the categories “more than once a week” (OR=2·2; 95% CI 1·6 to 2·9) and “everyday” (OR=6·2; 95% CI 4·8 to 8·0) gave ORs significantly greater than 1 for Psychotic Disorders; therefore the categories of frequency variable used in the paper analysis were grouped as follows: a) used never or occasionally (less than once a week); b) used more than once a week (but less than daily); c) used daily .

Supplementary Table 4 : Measures of cannabis use included in the analyses

Lifetime cannabis use	0=never used	1=Yes	
Currently using cannabis	0=no use at the time of recruitment in the study and over the previous 4 weeks	1=Yes	
Age at 1st use of cannabis	0=never used	1= started at age 16years or older	2=started at age 15 years or younger
Lifetime frequency of use	0=used never or occasionally (less than once a week)	1=used more than once a week (but less than daily)	2=used daily
Money spent weekly on cannabis	0=never used or spent 20 EURO or less per week	1= spent more than 20 EURO per week	
Type of cannabis used	0= never used	1= used types with THC<10%	2=used types with THC=>10%

The cannabis potency variable:

The potency variable was created using a cut off of THC=10% based on the mean THC concentration expected in the different types of cannabis available across the side sites, as reported in the EMCDDA and by the National data on cannabis potency quoted (8). Participants were asked to name in their own language the name of the type of cannabis they mostly used during their period of use.

The low-potency cannabis category (THC<10%) included hash/resin from UK and Italy, imported herbal cannabis from UK, Italy, Spain and France, Brazilian marijuana and hash and the Dutch Geimporteerde Wiet. The high-potency category (THC=>10%) included all the other types reported by the study participants in their original language street names such as: UK home-grown skunk/sensimilla UK Super Skunk, Italian home-grown skunk/sensimilla , Italian Super Skunk, the Dutch Nederwiet, Nederhasj and geimporteerde hasj, the Spanish and French Hashish (from Morocco),

Spanish home-grown sensimilla, French home-grown skunk/sensimilla/super-skunk and Brazilian skunk (9–16).

Statistical analysis:

Selection bias:

We ran a probabilistic sensitivity analysis to estimate the potential impact of selection bias, using the *episensi* commands in Stata. This involves: 1) selecting a random sample (one set of bias parameters) from the specified probability density functions of the bias parameters [e.g. Selection bias factor: Log-Normal (0.00, 0.21)], and 2) calculating a bias-corrected OR from the selected parameters. Both steps are repeated many times (we ran repetitions=20000) to obtain a distribution of bias-corrected ORs (ref 27 main text).

Table 5a reports the original OR (conventional estimate) and the corrected one (systematic and random error estimate) in the 50-percentile column, within the corresponding 95% CI values. The selection-bias corrected OR (OR=5.7, 95% CI 3.5 to 9.4) for daily cannabis use compared to the original OR (OR=5.7, 95% CI 4.4 to 7.5) (s-Table 5a) was barely changed. However, the confidence limits were wider, suggesting a wider range of possible values for the true OR with 95% certainty. We found a similar pattern of results for the probabilistic sensitivity analysis to estimate the potential effects of selection bias of data on high potency cannabis use as shown in table (s-Table 5b). Both set of analyses suggest that selection bias is unlikely to explain our findings.

Supplementary Table 5 a: Probabilistic sensitivity analysis for selection bias of data on *daily cannabis use* assuming lognormal distribution with mean 0 and standard deviation 0.21 [Selection bias factor: Log-Normal (0.00, 0.21)], number of repetitions=20000 and seeds=123.

	Percentiles			Ratio
	2.5	50	97.5	97.5/2.5
Conventional	4.4	5.7	7.5	1.7
Systematic error	3.8	5.7	8.6	2.3
Systematic and random error	3.5	5.7	9.4	2.7

Supplementary Table 5 b: Probabilistic sensitivity analysis for selection bias of data on use of *high potency cannabis* assuming lognormal distribution with mean 0 and standard deviation 0.21 [Selection bias factor: Log-Normal (0.00, 0.21)], number of repetitions=20000 and seeds=123.

	Percentiles			Ratio
	2.5	50	97.5	97.5/2.5
Conventional	1.9	2.3	2.8	1.5
Systematic error	1.5	2.3	3.5	2.3
Systematic and random error	1.5	2.3	3.7	2.5

Confounder selection: we tested for an association between the available a) socio-demographic data and b) data on drug use, with case-control status in the whole sample. All the socio-demographic variables available and in line with the existing literature¹ were associated with case-control status.

Only the variables on drug use associated with case-control status are reported in **Table 2** (eg, data on Alcohol use are not in the table).

To estimate the possible confounding effect of tobacco smoking in our analysis, we used the data on number of cigarettes smoked over the past 12 months. As for the method used to group the raw measures of cannabis exposure, we applied a logistic regression adjusted for age, gender and ethnicity, testing for an association between the raw variable on number of cigarettes smoked per day over the previous 12 months (0=never smoked; 1=smoked less than cigarettes per day; 2= smoked 10 or more cigarettes) and case-control status. Smoking less than 10 cigarettes per day was not associated with an increase in the ORs for psychotic disorder (OR=0.9; 95% CI 0.9 to 2.8) compared to never smoked, contrary to smoking 10 cigarettes or more (OR= 2.5 95% CI 1.7 to 4.2). Therefore, the variable on tobacco use entered in the main analysis model is the one described in **Table 2**.

To test if alcohol use was associated with case-control status we used the following data-collected: 1) life-time alcohol use (yes/no); 2) “did you drink at least 12 or more alcoholic beverages in the past 12 months? (yes/no); 3) How many drinks did you drink every day on an average week?

In the whole sample analysis (FEPp=901; Controls=1237), none of these measures of alcohol consumption were associated with being a case (FEPp). On the contrary, 75% (N=927) of controls compared to 63% (N= 567) of FEPp reported having drunk an alcoholic beverage at least once in their life-time ($\chi^2=27.9$; $p=0.001$). Moreover, 61% (N= 754) of controls compared to 40% (N= 360) of cases reported having drunk 12 or more alcoholic beverages in the past 12 months. Also, we found no difference between cases and controls in the mean number of alcoholic drinks every day on an average week [Controls: mean=5.2 (0.4), median=2.0 (0.0 to 6.0); FEPs: mean=4.8 (0.4), median=1.0 (0.0 to 4.0); $t=0.8$; $df=2136$; $p=0.45$].

Moreover, adding, the above measures of alcohol consumption to the multivariable logistic regression did not confound the tested association between cannabis use and psychotic disorder.

Supplementary methods reference:

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CORTE MADERA TOWN COUNCIL
DRAFT OF UPCOMING AGENDA ITEMS FOR MAY 21, 2019
PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE

Placing an item on the agenda: An item may be placed on the agenda by submitting a request to the Town Clerk or the Town Manager, or their designee, by Tuesday at 5p.m. 21 days prior to the Council meeting during which the item is sought to be considered. If such item requires staff investigation or if it will be considered at a future date in the normal course of business (e.g., planning and budget matters), it may be deferred to a later date with concurrence of the person submitting the item. Staff will accommodate submissions after the deadline whenever practical. (Town Council Rules and Procedures, Section 7.4)

PRESENTATIONS:

CONSENT CALENDAR:

TOWN ITEMS:

1. Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)
2. Possible Second Reading and Adoption of Cannabis Ordinance
3. Appoint Eli Beckman to Represent the Town of Corte Madera on The Coalition Connection
4. Approval of Minutes of Previous Town Council meeting

PUBLIC HEARINGS:

BUSINESS ITEMS:

TOWN ITEMS:

1. Sales Tax Citizens' Oversight Committee Annual Report to Council
2. Mill Valley Refuse Service Presentation on Results from Corte Madera Dual Stream Pilot Program and Request for Feedback Regarding Dual Stream Collection Versus Single Stream Collection
3. Discussion and Direction to Staff Regarding Request for Dog Park in Corte Madera
4. Draft Budget /Draft Capital Improvement Program Items

CLOSED SESSION: NONE