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February 17, 2009

Honorable Members of the City Council
Room 395, City Hall
Los Angeles, CA 90012

Attention: Planning and Land Use Management Committee

Subject: **REVISED DRAFT ORDINANCE ESTABLISHING REGULATIONS
REGARDING MEDICAL MARIJUANA COLLECTIVES IN THE CITY
COUNCIL FILE 08-0923**

Honorable Members:

In response to the City Attorney's transmittal of the above-mentioned draft ordinance dated February 6, 2009, please consider the following with respect to the responsibilities of the City Clerk.

Section 45.19.6.2 of the revised draft ordinance references registration for a medical marijuana collective with the City Clerk and implies that the application, proof of application and enforcement of the provisions will be administered by the City Clerk.

Sec. 45.19.6.2 Registration. All medical marijuana collectives shall register with the City Clerk by completing a registration form. Each member of the collective must sign the form under penalty of perjury. The form shall, at a minimum, contain the following information: the names of all members of the medical marijuana collective, a telephone number, the name and address of a person authorized to accept service of process, and any other information reasonable required on the form provided by the City Clerk to show that the medical marijuana collective meets the requirement of this article. The collective shall also provide proof that the owner of the property was given notice that the collective is filing the registration form and also that the owner has received a copy of the information

contained in and with the form. The collective shall file a new registration form within fifteen days of any changes in the information provided in the original form or any change in status of compliance with the regulations set forth in Section 45.19.6.3. The new form shall include the names of new members and their signatures under penalty of perjury that the information provided is true and correct. The City Clerk shall provide proof of registration to the person authorized to accept service and process.

The proposed ordinance states that the City Clerk would be tasked with the enforcement responsibilities of ensuring that all requirements of the article are met. As written, the article includes eighteen separate enforcement requirements relative to the following subjects:

1. Municipal Code provisions,
2. Exterior signage,
3. Web-based closed circuit television for security purposes,
4. Alarm systems,
5. Lighting requirements
6. Window and roof hatch bars,
7. Visibility restrictions
8. Refinement of product restrictions
9. Sale restrictions
10. Age restrictions
11. Number of plant restrictions
12. Signage requirements
13. Distribution restrictions
14. Additional visibility and restricted access.
15. 1,000 foot restriction to sensitive uses
16. Alcohol restrictions
17. Dried Marijuana restrictions
18. Consumption on-site restrictions.

The City Clerk is not an enforcement agency and the ability to ensure that the registration process indicates that all provisions of this article are met is problematic. The Departments enforcing this ordinance have greater knowledge, understanding, and expertise than the

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Office of the City Clerk when it comes to analyzing the enforcement codes that would apply to this issue. Therefore, it is the City Clerk's opinion that the creation of an application, development of criteria, and the administration of proof of registration would most appropriately fall under the purview of those Departments involved with the enforcement of this ordinance.

Further the workload impact is not clear. However, the development of a searchable database, the data entry, establishment of procedures, ongoing response to inquiries, assistance to the registrants, and responsive to enforcement officials would require additional resources. In the event that additional responsibilities for the City Clerk are being considered with respect to this ordinance, we look forward to participating in additional dialogue regarding anticipated resource and workload impacts.

As always, I am available for any additional questions you may have.

Sincerely,



Karen E. Kalfayan
Interim City Clerk

c: Heather Aubry, Deputy City Attorney