

Reedley Planning Commission Regular Minutes – November 19, 2009

The agenda for the Planning commission meeting of November 19, 2009 was duly posted in accordance with Government code Section 54954.2.

The regular meeting of the Reedley Planning Commission was held Thursday, November 19, 2009 in the City of Reedley Council Chambers, 845 "G" Street, Reedley, California. Chairman Nord called the meeting to order at 5:00 p.m.

PLEDGE OF ALLEGIANCE - The pledge of allegiance was led by Chairman Nord.

ROLL CALL

Commissioners

Present: Barker, Chavez, Cisneros, Clements and Nord.

Staff Present: David Brletic, City Planner; Steven Wright, Police Chief; Rob Terry Assistant Planner; and Frances Wiles, Administrative Assistant.

Others Present: Cheryl Lingo and Bryan Cordova.

PUBLIC COMMENT - None.

CONSENT AGENDA

1. BUILDING REPORT FOR THE MONTH OF OCTOBER, 2009

C. Clements moved, C. Chavez seconded, to approve the CONSENT AGENDA. Motion carried by the following vote:

AYES: Clements, Chavez Cisneros, Barker and Nord.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

PUBLIC HEARING

2. PROPOSED ORDINANCE AMENDMENT APPLICATION NO. 2009-2--AN AMENDMENT TO THE CITY OF REEDLEY MUNICIPAL CODE REGULATING MEDICAL MARIJUANA USE (Resolution No. 2009-13)

City Planner Brletic reported that Police Chief Wright will give a report from a law enforcement perspective. This ordinance amendment prohibits medical marijuana dispensaries and defines how medical marijuana can be grown within the City limits and is intended to be in compliance with State law. The Commission recommendation will be advanced to the City Council.

Police Chief Wright reported that his report includes excerpts from the California Police Chiefs' Association position paper circulated August 2009; excerpts from the August 2008 Attorney General's Report (an opinion paper on several different components of both medical and marijuana use under Proposition 215 in the State of California); Senate Bill 420 passed in 2004 on the requirement for all counties in the state to issue medical marijuana use cards and how the Federal statute under the CSA (Control Substance Act) and State laws conflict. As a legislative body, we have recommendations on how to deal with those conflicts and ambiguities that exist for law enforcement on how we deal with some of those issues because it is complicated. Chief Wright gave a copy of the 2008 Attorney General's report to the Commission.

In 1996 the California voters passed Proposition 215 (the Compassionate Use Act) authorizing limited possession, cultivation and use of marijuana by patients and their care providers for certain medical purposes recommended by a physician without subjecting that person to criminal punishment. Some

definitions in this law created difficulty for us. The Act creates an exemption for criminal prosecution of physicians, patients and primary caregivers who possess or cultivate marijuana for medical purposes with the recommendation or approval of a physician. A primary caregiver is defined as the individual designated by a qualified patient or person with an identification card who has consistently assumed responsibility for the house, health or safety of that patient or person. The term dispensary is difficult to define. Medical patients that go to a dispensary for medical marijuana in many cases assign caregiver notices to the dispensary. People supplying marijuana are giving these forms to the medical marijuana patient declaring that dispensary person as their caregiver which creates difficulty for law enforcement because under the definition they are not a caregiver.

The other definitions in the Act are collectives and cooperatives. There are a few specific provisions where people can cultivate, possess, grow and distribute marijuana for medical use. Under Proposition 215, patients who have a doctor's recommendation are legally entitled to cultivate and possess marijuana for their medical use. Nowhere in any of these reports are we disputing that issue. The issue is whether or not we believe allowing a dispensary, a cooperative or a collective is satisfactory for the City of Reedley's public health and safety. In 2003, the California State Legislature enacted Senate Bill 420, the Medical Marijuana Program Act, which directs all California counties to set up an administrative voluntarily. This is an issue many cities, counties and law enforcement have with the Act, the voluntary nature of the identification card. They set up to administer a voluntary identification card system for medical marijuana users and their caregivers. Conflicts arise from municipalities over the issues regarding caregiver cooperatives and the legal aspects of allowing medical marijuana dispensaries which are not specifically authorized by the Act. Nowhere in the Act does it say that the dispensary is legal. In fact, under the strict definitions, dispensaries, collectives and cooperatives are specifically illegal and are not allowed either under federal or state law and, therefore, the issue of dispensaries should not be discussed. The issue came up because there are some that are trying to declare themselves as collectives or cooperatives and have primary caregivers for medical marijuana patients.

The issue tonight is to review the material and determine whether under the law, federal or state, we believe it is legal or consistent with the philosophy in the mission of the city of Reedley to have a dispensary that allows illegal distribution of a controlled substance under the Schedule 1 Control Substance Act without any prejudice to those individuals who are legitimate medical marijuana users. I understand the difficulty if they are entitled to have it and use it under a doctor's recommendation. So, where do they get it? Under the Compassionate Use Act, Prop 215, they are allowed to grow and cultivate their own, allowed to join collectives and cooperatives (a group of individuals who decide they are all either caregivers or medical marijuana patients who get together in one city or county and develop a collective or cooperative) where they grow and cultivate for their own consumption and use and not to be distributed or sold to anyone else who is not part of that collective. Each individual patient is allowed to grow and cultivate a certain number of mature and immature plants. Nowhere in the law does it allow them the legal ability to create a storefront to supply it to other people who are not members of the collective or cooperative. I have submitted to you in the report some adverse affects on society and communities that are well documented throughout the State of California. Even legal medical marijuana patients are becoming victims of crime because they are growing their own marijuana in their own yards legally. Unfortunately, they are becoming victims of people who want to attack them and victimize them for their grown medical marijuana. We don't want to see that happen here to anyone who might be a legal medical marijuana patient. We have to go on the assumption that doctors are giving these recommendations; if not, the doctors risk losing their licenses. They are strictly controlled and monitored by the medical board. The assumption is that these folks doing this legitimately and have a medical need for the medical marijuana are becoming victims. The dispensaries that have opened up throughout the state have also become victim to very violent crimes. One thing I stand on a soap box a lot about is prevention. If we see issues of very serious crime patterns taking place at these dispensaries with people who are legitimately growing and cultivating medical marijuana, I think it behooves us to make a decision to try to prevent those things from happening here. In one of the recommendations we were discussing at a chiefs' meeting yesterday, we were trying to figure out how law enforcement is going to know if somebody who is residing at a certain house has legitimate growing medical marijuana in their backyard. Somebody said they should post a sign on their window. That subjects them even more to being a victim of crime. So now everybody knows they are growing medical marijuana. There are a lot of difficult issues related to this particular law and won't go

through the list of crimes from Yukia, Willard, Santa Barbara and Mendocino. I have references in the report to verify these incidents have been documented and verified as being the result of medical marijuana dispensaries or the cultivation of growing medical marijuana, even legitimately. I listed some of the adverse secondary impacts at the community at large which include street dealers loitering around dispensaries trying to sell at a cheaper cost. Dispensaries are not allowed to sell or make a profit. When you hear of some dispensaries in Oakland talk about paying \$4 million in taxes to the city, they are probably selling something for a pretty good profit. Financially that may look good, but what are the adverse impacts of providing that and the crimes that go with it. He has listed those as well as loitering and smoking marijuana in public which is strictly prohibited by the Act. Increases in burglaries at new dispensaries are well documented as well as loss of trade for commercial businesses depending on where the dispensaries are located. A dispensary next to a bible bookstore would not be a very good location. It might increase business in one place and activity of one kind, but it would decrease activity and business of another. The potential of selling other illegal substances, because of the draw of the clientele that may be drawn to that particular business along with increase of organized gang activities, is well documented. Gangs are more involved in the sale of narcotics. If they see an opportunity to get involved in what appears to be a legitimate storefront, it is very likely they will get involved and that activity would proliferate with more money going to gangs. We want to discourage that. We are concerned of the exposure to minors of this type of conduct and activity which is well documented in the report from the attorney general and confirms much of the information along with the definition of primary caregiver which is consistent with my report. The definitions of a statutory cooperative and a collective are very similar in nature where they can only supply from whatever it is they are manufacturing to their members and any revenues from the distribution goes only to the members. There is no profit and the only ones that can benefit are the members. It creates a real difficulty if you have a storefront supplying to anybody that is a medical marijuana patient. How do you verify whether those folks are actually part of the collective or cooperative? It makes it very difficult from an enforcement perspective.

C. Chavez asked, in the identification process, is it a state agency that tracks the people who are licensed to carry that card and are municipalities able to request and obtain that information? Can law enforcement access the number of card holders by zip code or city. Police Chief Wright replied that on the State's website we can enter the card's ID number to bring up information on the person and their limitations. It won't give us the medical condition associated with that use, but it will give us the doctor's recommendation and what they are allowed to possess, cultivate and control. He does not have specific information on who can access that information or if it is only available to municipalities, county agencies or law enforcement. The only thing available to us is the ability to verify based on an ID number but does not think we can do random searches by zip code. ID cards are issued by the State through the County. The State mandates the issuance through the County Department of Public Health. People who reside within Fresno County will go to the Fresno County Department of Public Health to apply for the card.

C. Barker asked if the State requires the doctor be a licensed physician in the State of California. Police Chief Wright stated yes. The Attorney's General's report states it requires a doctor's recommendation. Law enforcement is concerned that cards are not mandatory. You can be a recommended medical marijuana patient and not get a card and still legally possess, cultivate and grow marijuana. All you need is a doctor's note. It is illegal for doctors to prescribe medical marijuana because it is a Schedule 1 Drug under the Control Substance Act like heroin. The FDA says you cannot prescribe it, it has no proven medical use and the only thing a doctor can do is recommend it as a form of a medical condition. If he is a medical marijuana patient and carries a doctor's recommendation in his pocket, that is as good as a medical marijuana card. Although verifiable during the working hours of that particular doctor, if law enforcement contacts a medical marijuana patient with a note at 3 o'clock in the morning, we cannot verify it. If they have a card, we can go to our computer in our car, type in the number and verify it and we are good. The cards have to be renewed every year.

C. Cisneros heard that Stanford had been given \$9 million to do a study. Police Chief Wright stated that the reason the Compassionate Use Act was passed is because of a study somebody quoted as a valuable treatment for many chronic conditions. He spoke to several attorneys who said their 83-year old grandmothers take it for appetite problems, stomach ulcers, cancer, cataracts and it helps some conditions where other things do not. This is a state-wide and national issue. Colorado recently legalized marijuana

and we may see an exodus from California to Colorado. It is federally illegal but legal in the State of Colorado. The federal government has loosened its restrictions and they are going to leave it to the locals to control it. Law enforcement was basing its philosophy on dispensaries that are still illegal under federal law even though the state has backed off on regulations. If they open, the feds would come in and close them down. The federal government said we are not going to touch them, that it is local. All the locals now have to decide whether or not to allow it. There are no restrictions on the number of members in a cooperative. The limitation is on cultivation and only growing six mature plants per medical marijuana user and twelve immature plants per medical marijuana patient, unless a doctor has given that person a recommendation for more because of their condition. There is no limitation on the number of people that can be part of a cooperative. If I have 100 people in my cooperative who are all medical marijuana patients or caregivers, then the only amount of product that I can cultivate is the number equal to the number of patients and the only people I can distribute to are those people in that cooperative. The only people that are not patients who can deliver or distribute are the caregivers of those patients. It has to stay within the bubble and it cannot be to anybody outside the cooperative and you cannot sell it for profit.

C. Barker asked about the record-keeping requirements over property if they will need to report to the local department of health. Police Chief Wright stated there are only recommendations in the attorney general's report. He doesn't know the specifics of what you have to have or not have. You have to keep on file the recommendations from the doctor for all medical marijuana patients and keep copies of the caregiver cards because each caregiver must have a caregiver card. They recommend keeping on file the application of each person requesting to be in the cooperative.

C. Barker asked if the cooperative will be in a private home. Police Chief Wright stated no. The cooperative is rural not urban where you have farmland or a ranch where one person or a group of people do the growing and cultivation. The patients/caregivers come there who are part of the cooperative. It has to be a corporation that files papers as a corporation. To his knowledge none of the existing dispensaries have done that. That is why eight of the nine have been shut down in the City of Fresno.

City Planner Brletic stated that the ordinance amendment is intended to comply with state law to recognize the right of legitimate medical marijuana users that have a prescription. There are two sections in the ordinance amendment; the Law Enforcement section that defines medical marijuana and a variety of terms related to that use and one in the Zoning Ordinance section stating where you can do what. From a medical marijuana patient's perspective, it allows you to grow your plants at your home if you have a prescription. If you are a caregiver, it allows you to grow within the definition of the numbers at your legitimate commercial location. It is conceivable that if you have a doctor's office in town and they are a primary caregiver, then you have an X number of patients who have the right to do that in that zone district. You cannot run a medical office from your home. If there is going to be a cooperative, it is probably going to be at a primary caregiver's location. As Police Chief Wright mentioned, it does not fit in a commercial setting, it doesn't mean it cannot happen. The ordinance is intended to recognize the right established by California law. We and the City Attorney are clear on dispensaries not being anything that we need to recognize. We have laid it out in the Zoning Ordinance section that it complies with the law and keeps Reedley as permissive as is necessary.

Chairman Nord opened the public hearing at 5:35 p.m.

Testimony in Favor or in Opposition: Bryan Cordova, 16919 S. Walker Court, Reedley, stated that he is a local musician and a medical marijuana patient and is here to speak in defense of medical marijuana and to provide contradictory information to information Chief Wright has stated that dispensaries are illegal. Mr. Cordova has information from the Americans for Safe Access website (ASA), an organization of medical professionals, scientists and patients which has definitions including a cannabis dispensary. It states that the majority of medical marijuana patients cannot cultivate their own medicine or find a caregiver to grow it for them. Most of California's estimated 200,000 patients obtain their medicine from a medical cannabis dispensing collective also referred to as a dispensary. There seems to be a problem here with the definitions between dispensary, collective, and cooperative. Medical cannabis dispensaries are legal under state law due to Senate Bill 420 which Chief Wright quoted. SB 420 expressly states that qualified patients and primary caregivers electively or cooperatively cultivate cannabis for medical purposes. It provides for

the people doing the cooperative to receive reimbursement for services rendered in supplying the patient with medical marijuana. Chief Wright said there is nothing that says anyone can receive any kind of monetary compensation. Mr. Cordova would say that is not true that you can receive monetary compensation. Chief Wright also said a lot of things about marijuana causing crime in areas with dispensaries and that there is a lot of well documented evidence. Mr. Cordova did not hear actual evidence say what was actually well documented. He would like to show evidence that marijuana dispensaries do not increase crime. Many cities that have marijuana dispensaries and the officials in these areas have made comments on how these are affecting that area. The Kern County Sheriff says “existing dispensaries have not caused noticeable law enforcement or secondary fix” and that places like these have security cameras inside and outside the premises and security guards are often employed to ensure safety. The cameras and security guards serve as a general deterrent to criminal activity and other problems on the street. So he is saying they have people sitting outside of collectives attempting to sell you marijuana at a discounted price rather than at a club. You wouldn't be able to do that because they have cameras that severely jeopardize their ability to run a business. They are not going to allow people to sit outside their store to smoke marijuana in an attempt to sell marijuana. Anybody interested in running a business would not allow something like that, especially if you have cameras to document the whole thing. Santa Rosa Mayor Gene Benders says that since the city passed its ordinances allowing medical marijuana, there appears to be a decrease in criminal activity, decrease in complaints and have had no complaints from either citizens or neighboring businesses. Earlier, it was stated that we might not want to have these places next to some of our businesses downtown and made reference to the bible store. I would say that it is not our business to say what kind of business goes downtown or whether or not we like them or not, that everyone has a right to have their own business. This is the City of Reedley; it is not like you can go somewhere else. Are you going to go on top of the mountain somewhere? This is our city district; it is small if you're going to have something downtown. It is going to be next to something else; there is nothing you can do about that. All the information I have says it is not a problem and that neighboring businesses do not have a problem with it. Chief Wright mentioned there had been attacks on dispensaries where they have been robbed. I would argue that any place that has something of value stands the risk of getting robbed and is not a reason not to have a business. He says well documented but I looked on the internet, read newspaper articles looking for these specific cases that he mentioned and I have not been able to find that many. About the patients, although I have been that too, medical marijuana is very strictly regulated. Everybody has to be verified at least a couple times before you are allowed to do anything. It is not a place where people come up and show up and say I want some pot. That does not happen; you have to be verified. It is not in the interest of medical marijuana patients to have this type of business stigmatized by the article that they are going to be running in the Exponent by the columnist of comments our police chief has made. It has been made perfectly clear that this is something the City does not look at kindly. It is viewed as a nuisance, as a problem and something we would best put somewhere else or out of public view. This makes it very hard for medical marijuana patients to view themselves as criminals or whatever it is that they are portrayed as. I think it is against the City's interest to stigmatize people that have a medical condition, and the information you are getting from your city is all bad. Why would you want to go see a doctor and ask to get a medical marijuana recommendation? Everyone seems to be against it; I think we should support patients. It is an issue between the doctor and the patients. Law enforcement really has no part in getting involved or getting in the middle. We should have never tried to enact something that prevents someone that has a legally prescribed medication from obtaining it. They have the right to have it which they seem to want to make harder to get. I don't see why anybody would want to make medication of any sort harder to get for anybody that is a medical patient.

C. Barker stated he did not hear Police Chief Wright stigmatize anyone tonight and probably went out of his way not to stigmatize this in trying to take a neutral position. You say the operator of the business, but federal and state law specifically says this cannot be a business because a business operates on a profit and this cannot make a profit. You say that a proprietor for whatever reason would go into business other than to make a profit. The law says you cannot make a profit on this. We know we need to install security cameras to prevent problems. Not to expect problems in a situation like this, in a state where marijuana is the number one cash crop, is naive on our part. I would ask who was running the business. The person running the business according to what I read in the law has to be a provider or a part of the cooperative that will necessarily be in the business not to make a profit. What I am hearing from you is that the person who is running the business is going to be in it for profit, because you stated that is why someone would go

into business and not expect to make money. The whole basis to the federal and state approach is that we have to keep this as deficit neutral as possible. You stated that the law required this privilege to those in California. I agree that they have a legal right to this, but they said that there is protection not only for the patients but also for the public. The protection for the public says we have to take a look at this from a realistic approach. You are a little biased because you are a medical marijuana user and I want to help you as much as I possibly can because, if you need it, we will do whatever we can to help you obtain it. But we are in a precarious position. We have to balance your needs along with, and there are two sides of the law, protection and benefit. Our Police Chief was coming from the protection of not only the medical marijuana user, because the information I have seen comes from the point of view to let us protect those who are using it, needing it, that are being prescribed it. You mentioned earlier about being prescribed. Federal law prohibits it from being prescribed; it can be recommended. We are on shaky ground. The feds say it is illegal; the state says it is not legal; the feds say it is illegal but we are not going to prosecute it, so we are trying to do a balancing act here.

Mr. Cordova stated that since law enforcement is a branch of the State of California and not the federal government that whatever the federal government has to say about it should not matter. Whereas the state runs a business as a law enforcement agency, they should not have any concern what the federal government stipulates. He is not saying it doesn't matter. It is definitely good to look at it but, as far as what is legal and not legal, I think it would be fairly clear that state law would supersede federal law in this instance. C. Barker replied that state law never supersedes federal law and never has in the history of this country and I am a constitutional teacher. State law does not supersede federal law.

Mr. Cordova stated that we are talking about running the business for profit. In my experience there are many medical marijuana collectives that give away their medicine for free to terminally ill patients. How would you determine whether or not they are going to be a free-based place or whether they are going to run it for profit? Senate Bill 420 has a provision for people that provide the service to be compensated. C. Barker asked if it gives a schedule of compensation. If it does not, it is open to interpretation if the law says they cannot make a profit.

Mr. Cordova stated that installing a security camera is anticipating a problem. Anybody that owns a business who has something that can be stolen gets security cameras. Does that mean they should not run that business because they are anticipating problems? C. Barker stated that Mr. Cordova is going into the term of business. Nowhere so far either in the law or from what the police chief mentioned is this to be run as a business. Mr. Cordova stated that if an individual or group of individuals is going to have something another person wants to steal, then you would want to have cameras for security. It is not necessarily a bad thing to keep your stuff safe. I don't see why having these places have security cameras, that seems like a good thing, especially if the cameras are on the outside, they can also monitor any crime in the general area, which would decrease crime not only in that specific spot but in the surrounding areas as well.

C. Clements asked if Mr. Cordova can go to a pharmacy with his prescription. Mr. Cordova replied no. They do not carry it at the pharmacy; you have to go to a medical marijuana collective where you have to be a member and they verify you.

Chairman Nord closed the public hearing at 5:55 p.m.

C. Barker asked Chief Wright if he hears Mr. Cordova has marijuana at his place and you go in and find out that he does have marijuana but he has a medical card also, is there something in place available to you now to know there is medical marijuana patient at this residence so that citizenry wouldn't be bothered ahead of time. Police Chief Wright stated that if he had Mr. Cordova's medical marijuana card information, he could do a check before he went to his residence to determine whether he was a legitimate medical marijuana patient and entitled to have marijuana otherwise he has no other method to know than making personal contact and physically seeing that card.

C. Barker asked if it would be practical to make personal contact first and ask if they have a medical marijuana card. Police Chief Wright replied yes, depending on the kind of allegation we get and the

circumstances of a background check of the residence to see if we have a history. Mr. Cordova lives in the county so we would not be over there anyway. We can run local histories on residences to see who lives there depending on the kind of history we have on a residence and the type of allegation it was. In some instances we can check both state and national clearinghouses to determine if somebody is under investigation for something. In most cases our first course of action would be to simply knock on somebody's door. There was one instance where we had to obtain a search warrant first because we didn't have any allegations on the address. It was in the mountains and the medical marijuana was attempted to be transported through the mail which is a federal offense and we hit on it with our narcotics dog. We served a search warrant on the residence and he was completely within the law and had all of his medical marijuana posted in his house. We didn't bother any of his current supply but cautioned him not to transport it through the mail anymore. No criminal charges were filed and we just confiscated the stuff he did send in the mail. He was sending it to a relative, it was marked and it was all different types and styles. It was like saying "hey look at what I'm growing." We don't know if the other person at the other end was a medical marijuana patient or not. It was just a federal offense to transport a Schedule 1 controlled substance through the mail. Because of our understanding of this law and how it impacts law enforcement and the public, we handle it a little differently now when we get allegations on marijuana growing within the city limits at private residences.

Chairman Nord asked about the cultivation privilege of collectives in this city. Police Chief Wright stated that collectives are not part of the legal definition; it is the cooperatives. We do not want cooperatives to begin to develop within the city limits because that is when you start seeing commercial buildings being utilized by several people for indoor growing. From a planning/zoning perspective that is not what we want to have in the city limits. If large cooperatives are going to develop, it should be in a rural area.

C. Cisneros stated that under cultivation it states that the cultivation of medical marijuana must be in a secure, locked and fully enclosed structure that has a ceiling, roof and/or top. Can recommended medical marijuana be grown for their own use in the city? Police Chief Wright stated yes. Individual patients or their caregivers can grow medical marijuana at their own private residence in an enclosed area. One issue of medical marijuana dispensaries is that there is no provision in the law for transportation of a Schedule 1 controlled substance which makes it difficult as to which part do we enforce and which we do not. If we stop somebody transporting a large amount of processed marijuana in their trunk and they have a caregiver card for 100 people, is that legal? We could confiscate it but the problem is that the caregiver is going to be able to get that marijuana back. We have to make a decision whether to confiscate it and keep it in a manner that it was during the whole process and then return it exactly in the same condition it was in when we took it, otherwise we would have to pay what it is worth. Sometimes we just say thank you very much, here you go.

City Planner Brletic stated there seems to be confusion about a primary caregiver, cooperative and dispensary. There is provision in this ordinance amendment that allows an individual with a card and a recommendation to grow it for their own use and a provision that allows the primary caregiver to grow it for their patient. That doesn't seem to be a common occurrence. Dispensaries are not primary caregivers. There are people growing it for the purpose of dispensing it to card holders, and our ordinance is preventing that from happening. According to the law we have all primary caregivers cultivate it themselves, we have to allow a patient to grow it for themselves or a primary caregiver to grow it for their patient. That is what this ordinance does, but it does not allow something that is not addressed which is allowing any individual to grow it for the purpose of dispensing it to a bonafide card holder.

C. Chavez asked do Fresno County's guidelines or ordinances differ in regard to a cooperative. If Reedley adopts this recommendation as it is written, is there anything that prohibits a cooperative from being set up immediately outside our city limits. Police Chief Wright spoke to the sheriff yesterday and discussed our mutual interest in the process, but currently the county has no such ordinance and there is nothing that restricts it in the county.

Chairman Nord stated that if the day comes and marijuana is legitimized, most people would expect it be available through a pharmacy where it would be regulated more carefully. How do you know what you get? Mr. Cordova stated that you just have to trust your doctor. Police Chief Wright stated that there is a list of

doctors who commonly do medical marijuana evaluations. Any doctor with an M.D. license in good standing with the state can prescribe. One issue of the federal government is the license to prescribe. Doctors can lose their license to prescribe but still maintain their license to practice medicine. They say right now that any doctor who has lost his license to prescribe cannot recommend medical marijuana, but that is not the case because since it is not a prescription and does not fall under the rules of prescription medication. So doctors that have lost their license to prescribe can still recommend medical marijuana because it is just a recommendation to therapy and not a prescription from the FDA.

Chairman Nord stated that he talked to a doctor who said his liability insurance will not allow him to prescribe. He cannot imagine a doctor giving a recommendation for marijuana because there is no legitimate source for it, you do not know where it comes from, how potent it is, if it contaminated, how clean it is, or what facility developed it. Police Chief Wright stated that the extract mineral version of the active substance in marijuana is available by prescription. There are some differences in how it reacts as opposed to the natural form of marijuana and is not widely accepted by medical marijuana patients because of the side effects.

Mr. Cordova stated that not to be able to verify where you get it and what you get is one reason we should have more dispensaries because people want an incentive. It is healthy business competition; we are not talking about it being a business, but it is like any other competition. The person having the best high quality product is usually going to win out. By discouraging it, they will be forced to get it off the street where they have zero percent chance of verifying what is in the stuff. For health reasons dispensaries are very important. Someone like him, younger and middle class, can afford to grow his own marijuana, but someone in section 8 housing or welfare with the same patient needs does not have the same opportunity and would need someone's help. Dispensaries are wellness facilities that help the health of the patient. We need dispensaries to give people access to the medicine. The Compassionate Use Act allows you to cultivate, possess, use and obtain it. Through Senate Bill 420, the California government has set guidelines for dispensaries in response to that problem by allowing this type of stuff to happen. If your poor people have to drive out of county or city limits to obtain their medicine, we would have an interest in providing local and safe access for medicine which a dispensary could provide. If people are forced to go outside city limits to get medicine that is not preventing them from doing it. Basically, everything is going to remain the same you are just not going to allow it in the city. I don't understand what the problem is having it in the city. A lot of people tell me it is distasteful. I have been to dispensaries that are distasteful and I understand that we are more conservative in Reedley.

Chairman Nord spoke to a lot of people that have sympathy for medical marijuana users but to control it and keep its use under the right situation. For years we preached to kids to stay away from marijuana. Now we are saying it is okay to grow it and sell it. For now it would be nice to have cooperatives rather than dispensaries until we move forward. This is the law and you can't stop it. As Mr. Cordova said, if they do not have access, they will go to the streets to buy it. Right now they are closing dispensaries so if they do not cultivate it or grow it themselves, how are they going to obtain their medicine?

C. Chavez moved, C. Cisneros seconded, whereas the Planning Commission makes the required findings and recommends approval of Ordinance Amendment Application No. 2009-2, an amendment to the City of Reedley Municipal Code regulating medical marijuana use by the adoption of Resolution No. 2009-13. Motion carried by the following vote:

AYES:	Chavez, Cisneros, Clements, Barker and Nord.
NOES:	None.
ABSTAIN:	None.
ABSENT:	None.

#### COMMISSION COMMENTS AND REPORTS

3. RECEIVE AND DISCUSS REPORTS FROM PLANNING COMMISSION MEMBERS REGARDING PLANNING COMMISSION ACTIVITIES

Reedley Planning Commission Regular Minutes – November 19, 2009

C. Cisneros reported that the traffic on Reed Avenue is getting worse and stacks from the traffic signal back to the college parking lot. It would help if the palm trees were removed and a right lane installed to move the traffic.

City Planner Brletic reported that on the December 3, 2009 we will have the public hearing on the EIR, General Plan Amendment, Change of Zone and Conditional Use Permit for the Reedley Family Apartments.

ADJOURNMENT

Chairman Nord the meeting at 6:36 p.m.

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George Nord, Chairman  
Reedley Planning Commission

ATTEST:

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David Brletic, Secretary