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CITY ATTORNEY IMPARTIAL ANALYSIS

San Bernardino Regulate Marijuana Act of 2016

Proponent: Vincent Guzman

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This measure is an initiative that would regulate marijuana businesses in the City of San Bernardino. This measure was proposed by citizens' petition. Two other measures were placed on the ballot, one also by citizens' petition, the other by the Mayor and Common Council as a proposition.

This ballot measure would regulate marijuana businesses by establishing a regulatory permit process. The ballot measure would establish a registration system and would require the City to grant permits meeting the requirements of the measure.

The measure establishes an application fee of \$250. The measure also establishes annual fees in the following amounts:

- *Cultivation: \$5 per square foot of canopy;
- *Manufacturing/Testing: \$5 per square foot occupied by the business;
- *Transportation/Distribution: \$100 per vehicle and \$5 per square foot occupied by the business;
- *Dispensaries: \$5 per square foot occupied by the business;
- *Nurseries: \$1 per square foot of canopy.

These amounts may not be raised by Mayor and Common Council.

Marijuana Businesses would be:

- *Restricted to new marijuana business overlay zones, identified by parcel number, established by the ballot measure;
- *Located 600 feet from schools;
- *Located 600 feet from residentially zoned property.

Marijuana business dispensaries would be required to follow operating standards, including:

- *Shall not be open between the hours of midnight – 6 a.m.;
- *Processed marijuana and cash shall be kept in a safe during hours the business is closed;
- *Smoking of tobacco is prohibited, but use of marijuana is allowed.

If this initiative measure and either or both the competing Council measure and other initiative measure are approved by a majority of the voters, only the measure that receives the most votes will become effective.

Furthermore, if this measure is approved, the Council would be not authorized to amend or repeal the measure without voter approval.

This measure must be approved by a majority of the voters and must receive a higher number of votes than the competing measures. A “yes” vote is a vote in favor of adopting the voter initiative to regulate marijuana businesses. A “no” vote is a vote against permitting and regulating marijuana businesses in the City of San Bernardino.

/s/ Gary D. Saenz, City Attorney