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CITY ATTORNEY IMPARTIAL ANALYSIS

Commercial Marijuana Activities

Proposed by the Mayor and Common Council

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This measure is proposed by the Mayor and Common Council as a competing ballot measure that would regulate commercial cannabis activities in the City of San Bernardino. This measure is a proposition. Two other measures were placed on the ballot through the citizens' initiative petition process.

This Council proposition would regulate commercial cannabis activities by establishing a regulatory license process allowing for discretionary approval.

Applicants would have to pay application fees to cover the cost of processing permits and background checks. Applicants who are granted licenses would also have to pay a regulatory fee to cover the costs of enforcement of the provisions of the proposition.

Commercial Cannabis Activities, except Dispensaries, would be:

- *Restricted to Industrial zones OIP, IL, IH, and IE;
- *Located 600 feet from schools, parks, libraries, and recreation centers;
- *Located 100 feet from residential zones and religious facilities.

Dispensaries would be:

- *Restricted to Industrial zones OIP, IL, IH, and IE;
- *Located 1000 feet from schools, parks, libraries, recreation centers and religious facilities;
- *Located 300 feet from residential zones.

Commercial Cannabis Activities, including Dispensaries, would be required to follow operating standards, including:

- *Having at least one security guard on-site;
- *Must not sell alcohol or tobacco products;
- *All employees must go through criminal background checks and will be denied approval if they have been convicted of or plead guilty or no contest to a felony, or a misdemeanor drug or weapons charge;
- *Delivery would not be permitted within the City;

*Must only operate between 10:00am and 8:00pm Monday through Saturday and from 11:00am and 7:00pm on Sundays;

*Must submit to an annual license renewal process.

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

Furthermore, if the Council measure is approved, the Council would be 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 City proposition to regulate commercial cannabis activities. A “no” vote is a vote against permitting and regulating commercial cannabis activities in the City of San Bernardino.

/s/ Gary D. Saenz, City Attorney