

## CITY MANAGER UPDATE

### Proposition 64 and Marijuana Dispensaries and Cultivation

Greetings to all residents, businesses and visitors of the City of Jurupa Valley,

I wanted to bring everyone up to date on the ongoing issue of illegal marijuana dispensaries in the City. The City continues to receive a number of resident and local business owner complaints regarding the illegal marijuana dispensaries in the City. Their concerns are the negative impact they are having on the surrounding businesses, and exposure to children from some of the clientele frequenting these establishments. The City continues to be aware of a significant amount of misinformation circulating in the public domain concerning the legality of these dispensaries and the City allowing them to operate. First off, let me start by saying that **ALL dispensaries currently operating in the City are ILLEGAL and PROHIBITED under City ordinance as authorized under state law, and have no permits whatsoever to operate.**

Current state law under both the medical marijuana legalization from the mid 1990's and most recently, Proposition 64 for recreational use, allows cities and counties to regulate and prohibit commercial cultivation and commercial sale of marijuana, including medical marijuana. There is a misconception that because both of those initiatives legalized the use of marijuana in the state, that commercial sales and cultivation were legal as well. This is not the case. Since incorporation of the City, marijuana dispensaries and commercial cultivation have been illegal in the City under the previously adopted Riverside County ordinances, and at no time were they ever legalized. Recently, with the passage of Proposition 64, City Ordinance 2016-13 was adopted which Amended Chapter 11.25 of Title 11 of the City's Municipal Code to regulate marijuana activities as authorized with the new statute.

**Proposition 64 specifically confirms that cities and counties can still prohibit any commercial activity related to cultivation, retail sales and mobile deliveries of marijuana, which includes prohibiting dispensaries.** As such the new City ordinance continues those prohibitions in the City, but does allow home grown plants- 6 per household for recreational use, and 12 per person, 24 total per household, for medical purposes with a valid medical marijuana card issued by the County. These home grown plants are subject to certain restrictions as to location on the property. To review the entire ordinance, please visit the City website or contact the City Clerk's office for a copy.

To date, the City has closed over 50 illegal dispensaries that have operated in the City at one time or another since incorporation in 2011. Of the 12 remaining that are currently operating, all of them are violating court ordered injunctions to cease operations and close. Unfortunately, the court system is slow, and these dispensaries continue to thumb their nose at the courts since the profits from these activities are so lucrative. The City continues to push through the court system to gain compliance of these injunctions. Although the process is lengthy, the City has never lost a court decision to close a dispensary. In fact, several property owners that have allowed dispensaries to operate have since had significant monetary judgements levied against their properties for recovery of court and legal fees. Liens are placed on properties that do not pay these judgements, thus precluding any property sale or refinance until the lien is paid off.

On January 1, 2018 Proposition 64 goes into effect legalizing recreational sales and cultivation of marijuana under state issued licenses. Under the implementing legislation for Proposition 64, the state is responsible for issuing state licenses for all commercial marijuana activity, including cultivation and sales (dispensaries) for both recreational and medical. **The legislation also bars the state from issuing a**

**license for a location within a jurisdiction that prohibits this activity. Thus, the state is barred from issuing any state licenses for any commercial cultivation or sales (dispensaries) within the City of Jurupa Valley.** Any violation of this prohibition by an illegal commercial cultivation facility or dispensary will also now fall under state enforcement proceedings.

Additionally, a response was recently received to a City letter written to US Attorney General Jeff Sessions last May concerning Federal enforcement of Federal marijuana laws. As you all may be aware, marijuana is still listed as an illegal drug (controlled substance) under Federal law, and the Attorney General has made it clear that this is his view, regardless of states that have legalized its use and sale. The response confirmed that any evidence obtained of illegal activities under Federal law related to marijuana should be forwarded to the local Drug Enforcement Agency (DEA) office for investigation, and possible criminal prosecution under Federal law. The City is in the process of making those contacts now with the appropriate Federal authorities to engage them in the enforcement process.

Lastly, a registered voter petition for a ballot measure to legalize cultivation and sales (dispensaries) of recreational and medical marijuana has qualified for the June Primary election. Therefore, the registered voters of Jurupa Valley will have the opportunity to weigh in on this issue. Additionally, a second ballot measure that would allow the registered voters of Jurupa Valley to confirm the current City ordinance prohibiting these commercial activities will also be on the same ballot. More information concerning these two ballot measures will be forthcoming in the future.

In conclusion, I hope this clears up some of the questions regarding marijuana related issues in the City, and as always, please be sure to contact City Hall for any questions you have concerning City functions, problems that need addressed, or assistance in activities you are engaged in requiring working with City Hall.

Sincerely,

Gary Thompson  
City Manager