

MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS

DRAFT

MINUTES

Wednesday, September 26, 2018

Hosted by the City of San Rafael

Members Present

- Belvedere: Campbell, Kemnitzer, McAuliffe, Winter
- Corte Madera: Andrews, Bailey, Kunhardt, Ravasio
- Fairfax: Ackerman, Coler, Goddard, Lacques, Reed
- Larkspur: Chu, Haroff, Hillmer, Way
- Mill Valley: McEntee, Moulton-Peters
- Novato: Athas, Drew, Eklund, Lucan
- Ross: Brekhus, Kuhl, McMillan, Robbins, Russell
- San Anselmo: Brown, Colbert, Coleman, Greene, Wright
- San Rafael: Bushey, Colin, Gamblin, McCullough, Phillips
- Sausalito: Burns, Cleveland-Knowles, Cox, Hoffman, Withy
- Tiburon: Fredericks, Thier, Welner

Ex Officio: Corte Madera Town Manager, Todd Cusimano; Fairfax Town Manager Garrett Toy; Larkspur City Manager, Dan Schwarz; Mill Valley City Manager Jim McCann; Novato Assistant City Managers Michael Antwine and Peggy Flynn; Ross Town Manager Joe Chinn; San Anselmo Town Manager David Donery; San Rafael City Manager Jim Schutz; Sausalito City Manager Adam Politzer; MCCMC Secretary Rebecca Vaughn

Guests were: Marin County Board of Supervisors Damon Connolly, Katie Rice and Dennis Rodoni; Nancy Hall Bennett, League of California Cities North Bay Division; Jason Fried, Marin LAFCO Interim Executive Officer.

Call to Order

President Ray Withy called the meeting to order at 7:04p.m., welcomed everyone to the Marin County Council of Mayors and Councilmembers for September 26, 2018 and then called for public comment.

Public Comment

1. Katherine Boggs, San Anselmo – Spoke about industry’s fast-tracking of 5g and concerns that widespread deployment of small-cell technologies on lamp posts, buildings and power poles would bathe residents in RF radiation 24 hours a day, taking away our choice to escape. This has become an unbridled and unregulated industry that once fully implemented will turn into a wireless planetary cage. Why is the FCC streamlining permitting for 5g when they haven’t completed their investigations of the health and environmental impacts and updated safety limits of low intensity radio frequency radiation. How it will affect our children, pregnant women and the elderly, the most vulnerable in our population. Previous networks had been designed to meet the needs of people, but 5g has been created with machine needs in mind. These phased arrays will create powerful beams whizzing by us at all times. These antennas will concentrate their energy in narrow high-powered beams aimed directly at smart phones and devices. If you walk between someone’s phone and a station, or even in the vicinity, the beam will go through your body. If you are in a crowd, multiple beams will overlap and be unavoidable. Radiation waves from phased array antennas will penetrate much deeper into the human body. We need to lock arms as a County and say enough is enough, health does matter. Future generations matter. And having a choice matters.

- 1 2. Jason Fried, Interim Executive Officer for Marin LAFCO – Announced that he is the new Interim
2 Executive Officer for Marin LAFCO and will be coming by each of the cities and towns to talk
3 with your staff, and is happy to talk with your councils upcoming plans for the next year and a
4 half. Just had a workshop and put together a new work plan and will be coming together in
5 October to approve that workplan.
6

7 Following Public Comment, President Withy presented an award and flowers to outgoing MCCMC
8 President, Kate Colin and thanked her for her hard worked, leadership and service to MCCMC. He
9 then introduced San Rafael Mayor Gary Phillips.
10

11 **Welcome and Introduction of Guests**

12 Mayor Phillips welcomed everyone to San Rafael. He introduced the following members of the San
13 Rafael City Council: Vice Mayor Gamblin and Councilmembers Maribeth Bushey, Kate Colin, and
14 Andrew McCullough. The following City staff were introduced: City Manager Jim Schutz, Fire Chief
15 Chris Gray, Police Chief Diana Bishop, Assistant City Manager Cristine Alilovich, Director of Economic
16 Development and Innovation Danielle O’Leary, Director of Homeless Planning Andrew Hening,
17 Sanitation District Manager Doris Toy, Assistant Library Director Henry Bankhead, Assistant City
18 Attorney Rob Epstein, Assistant City Attorney Lisa Goldfien, Finance Director Nadine Hade,
19 Community Development Director Paul Jensen, Senior Administrative Assistant Lidia Que-Macedo
20 and City Clerk Lindsay Lara.
21

22
23 Once dinner service was underway, President Withy called on Committee Reports
24
25

26 **4. Committee Reports:**

27 **4.a. Metropolitan Transportation Commission – Supervisor Damon Connolly**

28 Supervisor Connolly reported that, at the MTC meeting, there was an item on the Consent Calendar
29 that really highlighted the creative approaches that cities/towns are using, along with the
30 Transportation Authority of Marin, to make sure that we are aware of possible funding sources for
31 our local projects and can jump on those opportunities when they arise.
32
33

34 Supervisor Connolly stated that he learning that there are a lot of different pots of money, and ways
35 to repurpose that money, at MTC. He provided an example of \$4.5 million that came available due to
36 not being spent on the gap closure project. So to our credit the \$4.5 million dollars was re-purposed,
37 through advocacy of TAM, it is now being used on Marin-Sonoma Narrows, Old Redwood Highway
38 multi-purpose pathway, Downtown Novato SMART Station, as well as the Grand Avenue Bike and
39 Ped Bridge construction project, for a total of \$4.5 million.
40

41 He reported that MTC also voted to approve a \$400+ million dollar contract to upgrade Clipper, the
42 commuter card that you use to tap on and off buses, ferries, and the like. He is also looking at taking
43 a leadership role on looking at ways to integrate fares around the Bay area. Right now, our different
44 systems have thousands of different rules for fares, different structures, et cetera. So Fare
45 Integration and Simplification would serve to increase usability for transit users, equity issues, and
46 more.
47

48 Regarding the Bettini Transit Center, he reported that they have five proposals that are being
49 actively evaluated with community input. There will be a scoping hearing on October 30th, and after
50 scoping, an EIR process estimated through Fall of 2019 with preliminary design expected fall of
51 2020.
52

1 Supervisor Connolly also reported that the SMART Board will meet on October 17 at 1:30pm and will
2 provide a report on the first year of operation for the SMART Train.
3

4 In conclusion, Supervisor Connolly reported on Proposition 6, the attempt to repeal Senate Bill 1,
5 which is pumping over 50 million dollars into transportation in California, \$8 million alone in Marin
6 County, for streets and roads for our cities and towns. A lot is at stake. Please let him know if you
7 need any facts in terms of the impacts on your town. This will be on the ballot in November and the
8 polling looks tough right now.
9

10
11 **4.b. Association of Bay Area Governments (ABAG) - Pat Eklund, Novato**

12 Councilmember Eklund referred to her written report and highlighted that the Plan Bay Area
13 workshop is going to be delayed until January because that is when they will get the updated growth
14 strategies. The workshop will take place in late January early February.
15 She also mentioned in the report a new awards system that ABAG and MTC are doing together. She
16 highly encouraged everyone to take a look at the flyers and apply. These are awards that are given
17 out by ABAG and MTC. She thought Mill Valley has a great case to win an award on their Miller
18 Avenue project. She knows there are a lot of other cities who may qualify so please take advantage
19 of this.
20

21 She reported that she picked up pothole report that MTC released and gave one copy to each city.
22 She will also send it out electronically. Please forward it to anyone who may be interested.
23

24 Councilmember Eklund stated that Steve Hemminger spoke to the MTC Commission about the
25 recruitment for executive director. Pamela Derby will be working with the staff of ABAG/MTC, still
26 uncertain about what role the executive board will play in this decision. The MTC ad hoc committee
27 August 24th went out with a request for proposals, looking for consultants to help them with the
28 recruitment. They actually hired another recruiter on September 6th, and it's CPSHR the one that
29 has Pamela Derby, who is going to be working with the staff at ABAG and MTC doing some
30 outreach to the stakeholders. But there is still uncertainty as to what role the ABAG executive board
31 is going to play in this decision. The process is that the MTC ad hoc will interview the candidates and
32 then refer two, or the top candidate, to the ABAG ad hoc committee, and then they will give MTC
33 their advice about the candidate. So it's really not as clear as it should be.
34

35 The MOU between ABAG and MTC as part of the merger, referenced that on July 1st 2019, both
36 ABAG and MTC are going to start talking about the merger of the boards, and whether or not that
37 merger is going to take place. MTC. She reported that she learned, though not through any official
38 routes, that MTC has added \$10,000 to the existing Management Partners contract, so that they
39 could do an update the analysis of what other council governments are doing nationwide. And they
40 are going to have some discussion probably later this year or early next, and she is requesting the
41 support of cities/towns as they embark on this next round.
42

43 In conclusion, Councilmember Eklund reported that she attended the CASA meeting, and was
44 surprised to hear that regarding the compact that they are about ready to finalize at the end of the
45 year, it is expected that ABAG and MTC are going to sign onto that compact. This was reported by
46 Steve Hemminger at the CASA meeting. She encouraged everyone to read her report about the
47 CASA meeting because it talks about revenue generation. They want to share the pain between all
48 the stakeholders including local government. And she understands it, the CASA compact will be
49 coming to ABAG executive board in November and the MTC commission in November as
50 information, and then they will want to have us make a decision in December or January.
51
52
53

1 **4.c MCCMC Legislative Committee – Alice Fredericks, Tiburon**

2 Councilmember Fredericks reported that AB1912 which covers Joint Powers (JPA) liability issue,
3 has actually been revised, it is now sitting on the governor's desk. It no longer includes retroactive
4 joint and several liability commitments from the member agencies. The way the bill was revised,
5 allows apportionment of the debt, when the JPA dissolves or no longer operates, terminates contract
6 for the retirement system. So the member agencies can get together, decide the apportionment, and
7 if they can't, that's when CalPERS jumps in.

8
9 She reported that AB946, has been chaptered and sort of constrains the regulations that local
10 jurisdictions can place on sidewalk vendors. It doesn't really impact many of us, but you'll have to
11 make a judgment with respect to your jurisdiction.

12
13 She also reported that the FCC just voted today on regulations which will limit the role of local
14 government in decisions concerning the deployment of 5G.

15
16 She also reported that AB293, which is the legislation that takes local land use authority of the
17 jurisdiction in which BART owns lands in a half mile of a BART station, and basically hands it over to
18 a transportation agency, and requires the local jurisdictions planning, if it's not consistent with the
19 transportation oriented development plan of BART, to revise their warning system and plans. So it
20 doesn't directly affect us, but we had concerns, and it is sitting on the governor's desk. We
21 expressed our concern that it's a dangerous precedent, to take local land use authority, deny the
22 people impacted public input, and hand it over to any special district, not just a transportation
23 agency.

24
25 Councilmember Fredericks reminded the group of her hand-out last year regarding the bills on
26 housing that were passed, and the legislature continues to struggle with how to get cities to meet
27 their RHNA goals. She reported that 13 of the 482 incorporated cities in the state of California have
28 met their RHNA goals last year, that's 2.4 percent. And this information is from a February 2018
29 report from HCD.

30
31 The legislature will continue to address the problems in meeting the housing needs. But in addition
32 to continuing focus on funding, awards, and disincentives from local government, the upcoming
33 legislative session we are told by our lobbyist, will also focus on providing incentives to landowners
34 who are sitting on tracts of land that could possibly be mixed-use or affordable housing
35 developments.

36
37 **4.d. Golden Gate Bridge Highway and Transportation District – Alice Fredericks, Tiburon**

38 Councilmember Fredericks stated that the Golden Gate Bridge district report that she was going to
39 give was already been covered by Damon Connolly. She added that, if you have an interest in
40 seeing the design alternatives for the interim transit center, they were presented to the Golden Gate
41 Bridge District's transportation committee in August of 2018, and they are on the Golden Gate Bridge
42 District's website.

43
44 She reminded the group of the Bridge District's dilemma with respect to revenue: 38 million cars
45 went over the Golden Gate Bridge in 2017, this is the source of the tolls that provide 59% of the
46 revenues for operation of the district. So the district with its legislative mandate to reduce congestion
47 in traffic over the bridge because there's a limited capacity on the bridge, is also up against the fact
48 that those tolls generate their revenues.

49
50
51 **4.e. Transportation Authority of Marin – Alice Fredericks, Tiburon**

52 Regarding the TAM report provided earlier by Damon Connolly, Councilmember Fredericks
53 reminded the group that there is also a measure on the ballot, Measure AA, which is a renewal of the

1 existing Measure A sales tax that produces 72% of the transportation dollars for our local
 2 transportation projects. Keep Marin Moving has information on this that you will find useful, but in
 3 addition to general information, keepmarinmoving.org also has fact sheets on the particular projects
 4 that affect your jurisdiction or are in your jurisdiction. She recommended that the group make good
 5 use of the website.

6
 7 **4.f. Homeless Committee – Kate Colin, San Rafael**

8 Councilmember Colin reported that every jurisdiction participated in their community homeless fund,
 9 which is important for many reasons. One the biggest reasons is that by coming together and
 10 pooling our resources, we are able to fund the mobile showers. And I know many jurisdiction have
 11 had Andrew Hening and Karen Strolia, who is the director of the downtown streets team, come and
 12 talk about the mobile showers. They are doing really well. She mentioned that both Corte Madera
 13 and Sausalito have had presentations and are considering sites right now, which is huge. We are
 14 meeting people where they are.

15
 16 To date, Novato was counted at 500 showers since March, San Rafael, 260, and these are folks that
 17 are not using showers elsewhere. They are only using showers in those communities. So again, we
 18 are serving the people in those communities. The other reason that mobile showers were so
 19 important it was a portal into to coordinated entry. People came to get a shower, and were able to be
 20 connected to services that can help them. She thanked everyone for coming together on that and
 21 agreeing to participate

22
 23 Councilmember Colin also reported that the next Homeless Committee meeting is on October 10th.
 24 The meeting will also cover the Mobile Shower Program and Karen Strolia will talk to the group.
 25 There will be cake because we're celebrating the fact the community homeless fund was participated
 26 in by everyone.

27
 28 She concluded with a report that the Board of Supervisors is having a presentation on Tuesday,
 29 October 23rd from 9am to noon. They are going to discuss everything related to homelessness and
 30 everything that the County is doing. She also announced that due to the work of the safety net of
 31 community-based organizations, since March 2016, 78 of the hardest to serve folks have been
 32 housed in Marin County.

33
 34
 35 **4.g. Marin Local Agency Formation Commission (LAFCO) –Sashi McEntee, Mill Valley**

36 Councilmember McEntee reported that there have been a lot of changes at the LAFCO, and she is
 37 the new LAFCO chair and Jason Fried is the executive officer. If there are any consolidation
 38 questions or other kinds of issues, you are welcome to talk to Jason. This past month, Marin LAFCO
 39 has had a strategic planning retreat and will have a work plan and a revision of our study schedule
 40 coming out soon. LAFCO is also going to have an opening for our public member. If you know of
 41 anyone who would be a good fit for that seat, please let them know. She stated that it is a very
 42 collegial group that would welcome anybody who would be interested in the public member seat.
 43 She announced that there will also be a Special District member seat coming up soon as well.
 44 She concluded by announcing that the next LAFCO meeting is October 11th, and will take place at
 45 Marin Clean Energy.

46
 47 **4.h. Sonoma Marin Area Rail Transit (SMART) – Dan Hillmer, Larkspur**

48 Councilmember Hillmer reported that the General Manager's written report for August and
 49 September are included in the agenda packets:

50 https://sonomamarintrain.org/sites/default/files/Board/COC%20Documents/GM%20Report%20-%20%20Aug%20-%20Sept%202018_Rev%202.pdf .

51
 52 He also reported that the Larkspur extension ramp and platform construction are well on their way.
 53 At the recent SMART board meeting, the Board approved contracts to start the Windsor extension

1 work. The Board also accepted \$500,000 from the State of California to start building a connection
2 between Novato and Suisun City
3

4 **4.i. Marin County Disaster Council Citizen Corps (DC3) – Catherine Way, Larkspur**

5 Councilmember Way announced that the Disaster & Citizens Corps Council (DC3) meets quarterly,
6 and the last meeting was September 13th. She provided copies of her report with some highlights of
7 the meeting on each table. She reported that Marin County Fire Chief Jason Weber provided a
8 presentation of the final report of lessons learned from the North Bay Fire Siege of 2017. He also
9 presented to the Board of Supervisors a few days before the DC3 meeting. Councilmember Way
10 also thanked the Board of Supervisors for approving additional funding for emergency disaster
11 preparedness in Marin and added that we will all see the benefit of disaster preparedness.
12

13 Chief Weber has allocated the new funding, as noted in the report, and has kept some in reserve. He
14 will also be rolling out some requests to the cities about additional funding for a county-wide Disaster
15 Coordinator, and Sashi McEntee, the Co-chair of the Disaster Preparedness Ad Hoc Committee, will
16 report on this in the next committee report.
17

18 **4.j. Disaster Preparedness Ad Hoc Committee – Sashi McEntee, Mill Valley**

19 Councilmember McEntee thanked Councilmember Way for her leadership in creating this
20 subcommittee. Disaster Preparedness is something that is really important to all of our constituents
21 and to all of us. It is also important that we as council members are coordinating with each other,
22 getting the best practices from each other, and really working together to help prepare our
23 communities.
24

25 The ad hoc committee has met four times. The first meeting was more of an introductory meeting.
26 The second meeting was about the Disaster Council. There are several different models that cities
27 use. Disaster Councils is one, and also neighborhood preparedness organizations and Corte Madera
28 and Larkspur have the neighborhood response groups. Another meeting covered the role of
29 volunteers and how cities can prepare for volunteers. As you may have seen during the North Bay
30 Fires, there was a huge wave of spontaneous volunteers. That is going to happen and is something
31 that we all need to be prepared for. Spontaneous volunteers, if not given something to do, can
32 impede the work of firefighters, can impede the work of public services. This is something that we
33 really need to pay attention to, and we had a good conversation about that. The guest speaker at the
34 next meeting is going to be Marin County Fire Chief Jason Weber, who will talk about lessons learned
35 from the North Bay Fires, and the responsibilities of local jurisdictions.
36

37 The committee has also been talking about the Community Wildfire Protection Plan which lists
38 responsibilities and opportunities for each one of the cities. Councilmember McEntee encouraged
39 the membership to take a look at the CWPP which can be found on firesafemarin.org and look at
40 what it has listed for each city. She also encourages that all representatives to the committee to also
41 send their alternates to the meetings. There are a lot of good ideas, and there have been a lot of
42 good speakers.
43

44 Following the conclusion of the report, President Withy called on Mayor Phillips to introduce the
45 evening's guest speaker.
46
47

48 **5. Keynote Speaker:**

49 **Presentation by Amy O’Gorman Jenkins. Senior Policy Director for California Cannabis**
50 **Industry Association**
51

52 Mayor Phillips thanked everyone, again, and introduced San Rafael’s Economic Development Director,
53 Danielle O’Leary to introduce both the topic and the featured guest speaker, Amy O’Gorman Jenkins.
54

1 Ms. O'Leary stated that, before she introduces their outstanding keynote speaker Amy O'Gorman
2 Jenkins, she wanted to provide a brief update on San Rafael, where they are at, the thoughts behind
3 their program and some helpful tips that you might be considering for your organization either in
4 adjusting and developing regulation. Policy development at a local level is really time intensive and
5 complex with much to think through. It is important to understand the local conditions, issue framing, it's
6 an overwhelming topic for most people and when you take it to the community they can quickly get lost
7 in the complexity of it. It is also import to look at developing possible taxation strategies to help local
8 governments fund it because it does cost some money from a local perspective on how you conduct
9 enforcement.

10
11 So, policy, who contributes? Elected officials are very important and it takes a lot of courage to step out
12 to this unchartered territory. Collaboration with your city and county staff is paramount. You're going to
13 want to understand from a staff perspective, what community development, police and fire, economic
14 development, code enforcement and public health are all going to approach this industry because each
15 one of them will touch it. And if you have cultivation in your community, you will want to involve the
16 county agricultural commissioner. Your community stakeholders, such as your residents, will need help
17 understanding the vast expanse of political and regulatory barriers for the cannabis industry.

18
19 Regarding the cannabis industry itself, how do you know what you're going to regulate if you don't even
20 know how it works? So you really need to get out there, meet the business community, understand
21 what your ecosystem is. And lastly, the State of California, who really sets the tone for the broader
22 regulation and shapes the local impact. We can always be more strict than the state but really they set
23 that initial bar.

24
25 Ms. O'Leary provided an example of a lotion manufacturer in your community which infuses lavender
26 olive oil. And in this example, cannabis provides them with a completely new line of business, and
27 revenue. You have craft makers who are making edibles. You give them cannabis as an opportunity
28 that's just diversified their portfolio. You've got labs, you've got pharmaceutical companies, all of which
29 have a new line of business available to them, and from a business retention standpoint, as an
30 economic developer, this is a very important quality that you want to think through as you conduct your
31 cannabis regulation.

32
33 Many cities and counties don't realize that they actually have choices. You can permit all of it or some
34 of it. What kind of commercial districts do you have? Do we have a lot of industrial? It might make
35 sense to pursue the wholesale perspective of the cannabis community. Manufacturing, distribution,
36 testing. What current businesses do we have in our communities that might benefit from this additional
37 revenue?

38
39 The cannabis industry itself, what do you have? What currently exists? Do you have the capacity to do
40 this? And if not, who do you bring on to help you shape your approach? Issue framing is very, very
41 important, the State already has over 20 different commercial license types and we can allow all or we
42 can allow some. And you can choose from a variety of license types. Education on the differences on
43 these license types is really key to your community because cities tend to focus on the two most
44 controversial, which is cultivation and retail.

45
46 Taxation and revenue is a very hot topic, most of which is there are too many taxes, that's the first
47 thinking here. But from a local perspective you really do need to have revenue for this mandate that is
48 placed upon you and how you're going to regulate it. And so options include forming a cannabis
49 business tax which San Rafael recently did, actively based on gross receipts or square footage. You
50 can look at your administration fees, your permanent intake fees and try to create some kind of cost
51 recovery structure.

1 You can also, if you're a community that permits retail licenses, take in some of the sales tax that will
2 be received from some of those businesses. There is a little bit of confusion between medical and adult
3 use and if sales tax is applicable to medical, it is applicable to medical if the patient does not have the
4 state issued ID card which less than 13,000 people in California do. You should expect to receive some
5 sales tax from medical. And then lastly we have the State excise tax which is 15% of the retail value of
6 the product. Cities that prohibit cannabis within their communities are not eligible for any of the funds
7 that might come from the state, but if you do allow some source of cannabis activity in your community
8 you might be eligible for funds.

9
10 It is unclear what those funds will be and how we would seek reimbursement but that is an option. So
11 program development, know your fees, know what your costs are, and try to help balance the ongoing
12 resources. So from a permitting perspective, are we looking at this as land use? Are we saying that we
13 want this to be land entitlement? Or do we prefer this to be professional license?

14
15 Working with all cash businesses is difficult, and it is hoped that banking services will be provided to
16 cannabis businesses at some point. There is a high cost in making and working with the cannabis
17 industry so from a city or county perspective, collection is something you want to think through. And
18 then lastly, forming good relationships with our state partners is important. These are the Bureau of
19 Cannabis Control, the California Department of Public Health, and the California Department of Food
20 and Agriculture are the three main regulatory licensing bodies at the state level.

21
22 San Rafael has awarded 16 operator licenses, eight for infused product makers, five for non-storefront
23 delivery, and three for distributors. Each applicant is in various stages of site section receiving zoning
24 clearances and applying for tenant improvements, currently we're working on developing a tax intake
25 process, as we talked about the cash collection as something we're going to have to work through, and
26 we are working on processing auditing procedures and tax onboarding procedures. Because San
27 Rafael started small with 16 licensees, staff can give them white glove service as far as what this
28 means and how they can apply to the tax that they're about to be required to submit to the City on a
29 quarterly basis. In conclusion,

30
31 Ms. O'Leary then introduced Amy O'Gorman Jenkins, stating that she left a successful career at the
32 state capitol to become a lobbyist in November 2014, and since that time, she has managed a diverse
33 client portfolio that includes government consumer product safety, clean energy financing and the
34 cannabis industry clients. As a senior policy director to the California Cannabis Industry, CCIA, Ms.
35 Jenkins spearheaded policy and legislation for legal cannabis industry including Prop 64, and the
36 medicinal and adult use cannabis regulation and safety act.

37
38 As chief of staff to the state senator, Luke Herrera, from Santa Ana, Ms. Jenkins planned and directed
39 all administrative, financial, legislative and operational activities at the senator's capitol of district office.
40 During her tenure with the senator, Ms. Jenkins helped advance legislation to establish a Santa Ana
41 conservancy and reform of California's cannabis laws. Prior to her work in the Senate, Ms. Jenkins
42 served as the legislative, intergovernmental and policy officer for the county of Solano.

43
44 Amy O'Gorman Jenkins:

45 Ms. Jenkins thanked Ms. O'Leary for the introduction and thanked the Mayor for the invitation to speak.
46 She stated that it is wonderful to be back in local government.

47
48 She explained that she just returned from Colorado on a three day study mission on all things cannabis,
49 and said that it was discussed that cannabis policy in the state is like flying a plane while you're building
50 it. And that really is how it has been for the last five years that she has been working on this policy. She
51 further explained that as she sees it, local governments are the co-pilots, along with the state, as we
52 are on this journey.

1 Ms. Jenkins started with some high level thinking, stating that it's important to understand that
2 California is really not alone right now in this effort. There are 31 states and territories, D.C., Guam,
3 Puerto Rico, that actually have a comprehensive medicinal and/or adult use cannabis framework. There
4 are two states that have approved cannabis laws as recently, and then states that have legalized adult
5 use, is actually up to nine now when you include Vermont. These statistics are changing all the time.

6
7 And then you have 17 states that permit CBD use, such as the non-psychoactive cannabinoid, which is
8 largely used to reduce inflammation stress. There is a lot of science and study being done in the area of
9 CBD use. We have 46 states that are authorizing some form of cannabis activity.

10
11 She then showed several graphics regarding the historical perspective of adult-use framework of
12 cannabis by state. A 2017 ballot poll basically showed now that 80% of Americans approve legal
13 access to medicinal cannabis. 64% actually approved full adult use legalization. Divide among parties,
14 the graph shows 51% of republicans were beginning to think that adult use was okay.

15
16 She showed another poll, which was not as pro-cannabis, but was broken down by generational and
17 partisan differences. It polls lower with republicans, but shows that support from Baby Boomers is on
18 the rise, due to the use of CBD and Cannabis treatments for certain ailments.

19
20 Ms. Jenkins then stated that, by April of 2018, 59 million US adults had their access to cannabis
21 improved either through voter initiative or legislative action. The Canadian government is about to
22 legalize adult use cannabis. Germany recently legalized. But in the US, Attorney General Jeff Sessions,
23 attempted to unleash US attorneys earlier this year on the cannabis industry and was ordered to stand
24 down by the President.

25
26 Recently, you have seen long-time republican opponents, like Orrin Hatch, Utah, and former Speaker of
27 the House John Boehner really start to change their views and attitudes towards cannabis. So, all in all,
28 with that kind of the back drop, you have seen an up-tic in global spending. As of 2017. \$8.5 billion in
29 US consumers spending and \$2.8 billion of that is in California (about 32%).

30
31 She then spoke about what's happening in California. Regarding the medical cannabis regulation
32 passed in 2015, she stated that the League of California Cities is somewhat responsible for this. It
33 started in 2014 when the League decided to be very proactive and introduce a bill. It was SB 1284, it
34 became the blueprint for the medicinal framework and adult use framework you see today.

35
36 This was the path for the success of 2015, which was a landmark year with the medicinal framework
37 supported by the League. Then you had Proposition 64, which had to be rewritten right before the
38 deadline to submit for title and summary to the attorney general's office. And that's because even the
39 drafters of 64 did not believe the medical framework was going to pass.

40
41 She spoke about MAUCRSA, which is the Medicinal Adult Use Cannabis Regulation and Safety Act.
42 This is really what governs our cannabis policy today. It is division 10 of the business and professions
43 code beginning with 26000. So this is the area of statute that she focuses significantly on these days.

44
45 Local control is a fundamental component of this framework. You cannot operate legally in California if
46 you do not have local approval from your local city or county. The industry did not oppose this
47 component. It also establishes a method for collecting taxes, packaging and labeling standards, CRP,
48 Child-Resistant Packaging, temporary license program.

49
50 Again, this is still changing. It really is like flying a plane while you're building the plane. There were
51 over 56 bills introduced in the legislature just this year alone, to modify or tweak some aspect of this
52 framework and she expects this to continue.

1 She explained that product starts at cultivation, nothing can be transported unless you are a licensed
2 delivery operator. Nothing can be transported without a licensed distributor and that is probably the
3 most highly regulated aspect of the industry, so the distributor transports product either directly to a
4 retailer, to a manufacturer, but before they do it has to be tested.
5

6 Every batch has to be tested in this final form. California has the most rigorous testing of all states in
7 the nation, and we're now also seeing a passage rate of about 31%. So our standards might be a little \\
8 too high. But nonetheless there is a testing component before it goes to the retailer. And the testing lab
9 has to be completely independent. Ms. Jenkins stated that she speaks with a lot of local governments
10 who are reluctant to regulate in their communities and no one seems to have any hesitation allowing
11 testing in their communities. But if you don't have cultivated products or manufactured products close to
12 your testing lab, there's really no point of having a testing lab.
13

14 She encourages local governments to look at what sort of licenses they're comfortable with if they're
15 regulating, that they might want to consider other cannabis activity or do a broader assessment of
16 what's out there in the surrounding areas. Otherwise the testing lab that is approved is going to have a
17 hard time being successful. They have very specific requirements to ensure product integrity and to
18 ensure there is no diversion.
19

20 Local governments have the ability to adopt and enforce all local ordinances and to regulate zoning,
21 planned use, signage requirements, exposure, locations, locations, etc. It is a lot of work on your part
22 but that was really the concept behind the local control components so that you have the ability to
23 determine what happens in your communities, and regulate all aspects of this industry.
24

25 She explained the next steps and that they are currently dealing with the adoption of the permanent
26 regulations. Regarding the draft regulations, the first draft was released on July 13th, and she is being
27 told that the second draft is supposed to actually come out the first or second week of October. She
28 was told that there were 4,000 actual comments submitted. This is separate and distinct from the actual
29 public hearings that took place, 1,800 of those dealt specifically with delivery. But the second draft is
30 supposed to come out in October and then it is part of the Bureau and the licensing entity's timeline.
31 Final regulations will be submitted to the Office of Administrative Law for final review and approval only
32 can take effect on January 1, 2019. There is also a critical timeline for the cannabis industry in that
33 temporary licenses in that program will expire, which is why there is a bill pending that would establish
34 a provisional license program.
35

36 The reason this is important is that if you have a CUP process, if you have building departments that
37 are awaiting review, if you have analysis that you want to perform as it relates to a licensed cannabis
38 operator, you're going to need that provisional license framework because you want to give a cannabis
39 operator an annual license before you close with that process.
40

41 Many people ask about revenue generation, because there is a lot of money that is intended to be
42 earmarked for a lot of local purposes including a grant program for local governments that want to
43 establish licensure programs in their communities for the enforcement. Right now, the framework is
44 operating under a loan of about \$180 million from the general fund. That has to be paid down first
45 before they start other programs. Revenues are currently below projections, and there are many
46 reasons for that. But nonetheless we are seeing some pretty substantial revenues, although not enough
47 to pay down the loan, so there are concerns that the grant programs or the 60% set aside for drug
48 prevention intervention could be delayed.
49

50 She stated that there were two more bills signed today, and that she wanted to touch on SB 1294 in
51 particular. There has been a lot of conversation in Sacramento and state-wide about equity. And the
52 fact that the war on drugs disproportionately affected people of color of disadvantaged communities. So
53 this bill would establish a program that would be administered by the Bureau of Cannabis Control. And

1 there is \$10 million in the State budget for cities and counties and equity applicants to establish and
2 support equity programs for the applicants that are qualified to participate in those programs.
3

4 California is at the head of the curve as a state, no other state is contemplating equity programs like
5 California, although Colorado is soon to follow. The other bill that was signed that may be important to
6 you SB 2020, which expands where temporary cannabis events can take place.
7

8 Lack of enforcement of illicit activity is both an industry and a local government concern. And right now,
9 there is no funding earmarked for enforcement against illicit activity. That is supposed to come as the
10 marijuana tax or the cannabis tax continues to generate revenue for the State, then there would be
11 enforcement. But there is a gap right now and the expectation is that locals are managing enforcement.
12 Access to products continues to be a big issue, and there are deserts in the State where there's no
13 access at all to compliant products. There also continues to be a lot of concern around packaging and
14 labeling, and testing, taxation, public safety, and cash handling are also ongoing concerns. Mainly the
15 continued lack of access is probably one of the biggest issues and is in fact perpetuating illicit activity.
16

17 The fact of the matter is, from the perspective of someone who has been working in this industry,
18 cannabis is everywhere. It is in your communities whether you like it or not, and the key is to identify
19 harm reduction and figure out how to reduce harm and by doing that, you are regulating the industry.
20

21 Regarding federal challenges, Ms. Jenkins stated that cannabis is still a Schedule I drug of the
22 controlled substances act. This is a real problem that prevents the cannabis industry from being able to
23 bank. 70% of the California cannabis industry association members do not have bank accounts.
24

25 Other challenges that Ms. Jenkins discussed included insurance in the industry and how to deal with
26 insurance, and predatory practices. There are a lot of people out there that are trying to make a lot of
27 money off this industry and off local governments, which has been frustrating to see. So a lot of
28 predatory practices, a lot of governments are trying to get into this game right now, it's very interesting.
29 She stated that there will also be conversation around hemp reform next year.
30

31 She concluded by stating that 64% of Americans are now living in a state where they have decided to
32 legalize, which represents a real tipping point. She stated that she thinks it is going to influence what
33 happens in congress. She also pointed out that all cannabis bills in California require two thirds majority
34 in the legislature to pass, which can be really hard to come by. However, cannabis bills are passing
35 with over 67 votes in the assembly, so it's really exciting to see change.
36

37 And then something that's happening in congress that I think will benefit all of us is the State's Act. And
38 this is a bill that President Trump has said he will sign if it gets to his desk. What it would essentially do
39 is state that those states that have a medicinal or adult use framework, comprehensive framework,
40 those licensed cannabis operators would be exempt from 288, and would be allowed to bank. And so
41 all of those challenges that are associated with being cannabis and being a controlled Schedule I
42 substance, they would be exempt from. It has the votes in the senate to pass, but there are still some
43 challenges in the House.
44

45 President Withy thanked Ms. Jenkins for her presentation and proceeded to the Business Meeting.
46
47
48
49
50

51 **6. BUSINESS MEETING**

52 6.a. Consideration and Possible Action to Adopt MCCMC Operating Budget for FY 2018-2019
53

1 There was a motion and a second (Bailey/Lucan) to adopt the MCCMC Operating Budget for
2 FY 2018-2019. The motion was approved by acclamation.
3
4

5 6.b. Announcement of Upcoming Vacancies and Call for Letters of Interest
6

7 6.b.1: Representative to the Homeless Policy Steering Committee (HPSC)

8 President Withy announced that there is one seat available, and the current incumbent,
9 Kate Colin, San Rafael, has expressed that she will not be seeking re-appointment.
10

11 There was a motion and a second (Colin/Bushey) to nominate Kay Coleman, San
12 Anselmo. Councilmember Coleman accepted the nomination and will submit a letter
13 of interest.
14

15 Should anyone else be interested in being considered for the appointment, they can
16 submit a letter of interest prior to the next MCCMC meeting. Additional nominations
17 will be accepted from the floor, and an appointment with no set term will be made, at
18 the October 24, 2018 MCCMC Meeting Hosted by San Anselmo
19
20

21 6.b.2: 2nd MCCMC Representative to the League of California Cities North Bay Division

22 President Withy announced that there is one seat available, the 2nd Representative,
23 as he will be stepping down from that position as a result of his recent election to serve
24 as 2nd Vice President of the North Bay Division.
25

26 Since appointments of MCCMC Representatives to the North Bay Division are made
27 annually in November for terms that run January-December of the following calendar
28 year, his departure will leave a 1-month vacancy in the position. President Withy
29 recommended that the successful appointee serve both the remainder of the current
30 one-year term that will expire December 31, 2018 as well as the 2019 term, for a total
31 appointment of 13 months.
32

33 There was a motion and a second (Athas/Coleman) to nominate Joe Burns,
34 Sausalito. Councilmember Burns accepted the nomination and will submit a letter of
35 interest.
36

37 Should anyone else be interested in being considered for the appointment, they can
38 submit a letter of interest prior to the next MCCMC meeting. Additional nominations
39 will be accepted from the floor, and an appointment for a term of 13 months will be
40 made, at the October 24, 2018 MCCMC Meeting Hosted by San Anselmo. The
41 appointment will consist of both the remaining month of the vacant seat as well as the
42 full 2019 term.
43
44

45 6.c. Consideration and Possible Action to Revise the Meeting Schedule and Listing of Host
46 Cities/Towns for 2018-2019 To Address Timing of November 2019 MCCMC Meeting
47

48 President Withy explained that there was a misunderstanding about the urgency of this item, and
49 since the requested consideration relates to the November 2019 meeting, not 2018, his
50 recommendation is to table the discussion regarding the possible rescheduling of the November
51 2019 meeting until early next year.
52

1 Sloan Bailey, Corte Madera, moved to continue the item to a future meeting. The motion was
2 seconded and approved by acclamation.
3
4

5 6.d. Review of Draft Agenda for October 24, 2018 MCCMC Meeting Hosted by the Town of San
6 Anselmo
7

8 There were no recommended changes to the draft agenda for October 24, 2018
9

10 6.e. Consideration and Possible Action to Approve the Draft Minutes of the June 27, 2018 MCCMC
11 Meeting Hosted by the City of Novato
12

13 There was a motion and a second (Burns/Bailey) to approve the minutes of the June 27, 2018
14 MCCMC meeting as read. The motion was approved by acclamation.
15
16
17
18

19 **Adjournment**

20 President Withy thanked everyone for attending and adjourned the meeting at 8:48p.m. to the
21 next regular meeting scheduled for November 28, 2018 hosted by the Town of Ross.
22
23
24
25
26