RESOLUTION NUMBER R-

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPOINTING CITIZENS TO THE ADVISORY COMMITTEE KNOWN AS THE MEDICAL MARIJUANA TASK FORCE.

WHEREAS, in November 1996, California voters approved Proposition 215, the "Compassionate Use Act of 1996," codified in California Health and Safety Code section 11362.5, which provides seriously ill Californians the right to obtain and use marijuana for medical purposes when such use is recommended by a physician, and provides that both the patient and the patient's "primary caregiver" are exempt from prosecution for violating state laws prohibiting the possession and cultivation of marijuana; and

WHEREAS, effective January 1, 2004, the California Legislature enacted the "Article 2.5 Medical Marijuana Program," which is also referred to as "Senate Bill 420" and codified at California Health and Safety Code sections 11362.7 through 11362.83; and

WHEREAS, Senate Bill 420 expanded state law exemptions for qualified patients who use medical marijuana and their primary caregivers to include exemptions from arrest and prosecution for various related drug offenses, and provided for marijuana to be collectively or cooperatively cultivated for medical purposes by qualified patients and primary caregivers pursuant to California Health and Safety Code section 11362.775; however, cultivating or distributing medical marijuana for profit was not authorized, as stated in California Health and Safety Code section 11362.765(a); and

WHEREAS, San Diego Charter section 43(b) provides that the City Council may create and establish citizens' committees for the purpose of advising the City Council on questions with

clearly defined objectives, as long as the citizens' committees are temporary in nature, are dissolved upon completion of the objectives for which they were created, and committee members serve without compensation; and

WHEREAS, on July 29, 2009, the City Council's Committee on Public Safety and Neighborhood Services voted 4 to 0 to recommend to the City Council the creation of a citizens' committee, advisory board, or task force regarding medical marijuana; and

WHEREAS, on September 8, 2009, the City Council considered the recommendation and created a citizens' committee pursuant to Charter section 43(b) and subject to Council Policy 000-16 (R-2010-119 REV.); and

WHEREAS, the committee is to be known as the Medical Marijuana Task Force [Task Force] and will have eleven members; and

WHEREAS, the Council established the Task Force to advise the City Council on: (1) guidelines for medical marijuana patients and primary caregivers; (2) guidelines for the structure and operation of medical marijuana cooperatives and/or collectives; and (3) guidelines for police department enforcement regarding medical marijuana; and

WHEREAS, the Task Force guideline recommendations must fall within the California Attorney General's *Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use*, published in August 2008; and

WHEREAS, the Task Force will meet for a period not to exceed one year and report to the City Council through the Committee on Public Safety and Neighborhood Services or the Committee on Land Use and Housing, as appropriate, at least twice during this time period; and

WHEREAS, the Task Force will report back to the City Council by the end of 2009 with recommendations regarding land use and zoning issues, which fall under the request for advice

regarding guidelines for the structure and operation of medical marijuana cooperatives and/or collectives; and

WHEREAS, Councilmembers submitted nominations for appointees to the eleven-person Task Force to the Council president as required by resolution R-2010-119 REV.; and

WHEREAS, Councilmembers considered potential appointees with the following backgrounds: medical marijuana patient; social service provider from the substance abuse prevention community; legal professional; medical doctor or medical professional; medical marijuana collective or cooperative owner; community planner; small business owner; law enforcement; land use professional; and members of the community at large; and

WHEREAS, the Council President has appointed the Task Force members and they have been confirmed by a majority vote of the City Council, as required by resolution R-2010-119 REV.; and

WHEREAS, under Charter section 280(a)(1), this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

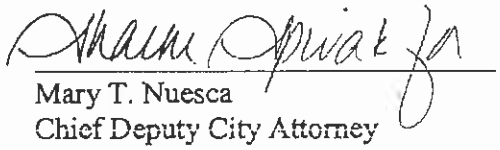
BE IT RESOLVED, by the Council of the City of San Diego, that the following appointments by the City of San Diego to serve as members of the Medical Marijuana Task Force, for a term ending as indicated, are and the same are hereby confirmed:

NAME	CATEGORY	TERM ENDING
Rev. A. Wayne Riggs (Serra Mesa, District 6) (Nominated by District 1)	Social Service	October 13, 2010
Dave Potter (Bay Park, District 6) (Nominated by District 1)	Community Planner / Land Use Professional	October 13, 2010
Dave Martin (Ocean Beach, District 2) (Nominated by District 2)	Business Owner	October 13, 2010
Alex Kreit (Hillcrest, District 3) (Nominated by District 3)	Legal Professional	October 13, 2010
Stephen Whitburn (North Park, District 3) (Nominated by District 3)	Community Member	October 13, 2010
Craig Balben (Sabre Springs, District 5) (Nominated by District 5)	Community Planner / Land Use Professional	October 13, 2010
Dr. Tom Cummings (La Jolla, District 1) (Nominated by District 6)	Doctor	October 13, 2010
Mark-Robert Bluemel (San Carlos, District 7) (Nominated by District 7)	Legal Professional	October 13, 2010
John Minto (Santee) (Nominated by District 7)	Law Enforcement	October 13, 2010
Larry F. Sweet (Ocean Beach, District 2) (Nominated by District 7)	Patient	October 13, 2010

Kim Twolan (Birdland, District 6) (Nominated by District 7)	Co-op Owner	October 13, 2010

BE IT FURTHER RESOLVED, that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that John Minto is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Task Force. Therefore, a conscious exception to Council Policy 000-13 is hereby declared.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Mary T. Nuesca
Chief Deputy City Attorney

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