

April 18, 2017
Special Meeting
Board of Supervisors

**Opportunity for the
Public to Address the
Board**

4/18/17

Mono County Supervisors and Town of Mammoth Lakes Council

Mammoth Voices Governance Committee is an ad hoc citizen group which has been researching best practices of well-run cities and various forms of municipal governments. While we expect to come forward later this year with our findings, we felt that it was appropriate to share two relevant findings today.

WalletHub published an article "2016's Best Run Cities in America" that we have used as an informative document. This article also included an Ask the Experts section. Two of the questions posed were:

- What are the most important issues facing U.S. cities today?
- Why are some cities better run than others?

While there were a wide range to the answers of these questions, the experts frequently mentioned *financial resources* and *communication*.

The article suggests that we all need to rethink and reengineer our government structures in this era of reduced federal and state revenues and smaller public sector workforce. How will you prioritize high citizen expectations in an era of fewer resources and be accountable for delivering those priorities?

Another key practice of well-run cities was that they communicated effectively with their staff and constituents. Are you reporting your affairs and key action items in a timely, comprehensive, transparent and accurate way?

We bring this up now, because it might be helpful for the County and Town to give these two issues extra attention while preparing their priorities, budgets and work programs for the next fiscal year.

Mammoth Voices Governance Committee
(Madeleine "Mickey" Brown, Lyndia Salcido, Danna Stroud, Kathleen Taylor and Joyce Turner)

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Item #2a - Weather
Briefing

Chris Smallcomb - NOAA

**It's April. So We're Done
with Winter, Right?
Spring Flood and Summer Fire
Seasons Briefing**

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April 18 2017

Eastern Sierra Sunrise Ahead of the Storm



Bishop, CA this morning

Reno National Weather Service
Forecasting for the Sierra and western Nevada since 1905



Key Points Up Front

- Winter 2016-17 was **exceptional** by just about any metric. **RELENTLESS**. Once in a career? Physical and emotional strains on responders, forecasters.
- **No clear signals on spring, summer weather**. So we take existing conditions + 4 week weather forecasts to project most likely scenarios for flooding, fires.

Key Points Up Front

- Snowmelt **flooding remains certain this spring into summer.** Severity depends on weather, especially May-June. **Heat waves, heavy rains from AR or cutoff lows are the triggers** to major flooding but **predictability limited.**
- **Summer fire season probably delayed.** Big grass crop in lower elevations - active season once cured (when?). Larger vegetation benefits from increased fuel moisture. Drought stresses, tree mortality still an issue in timber. Air quality.

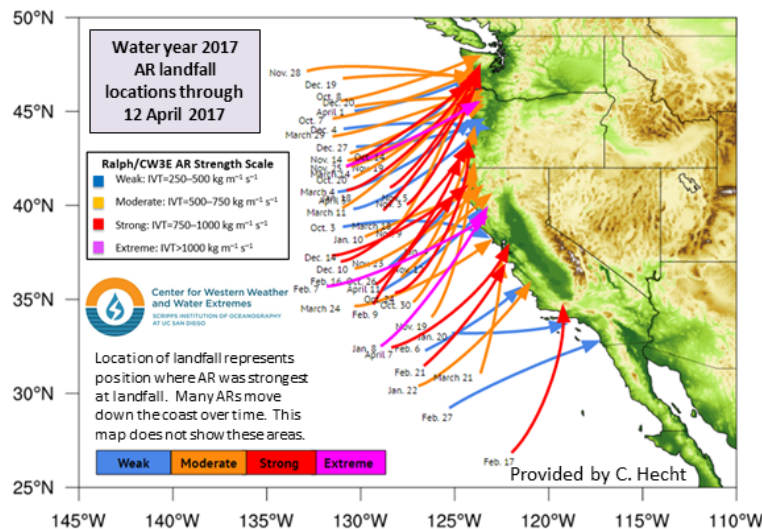
The Record Breaking Water Year 2017

A major contributor to the anomalous precipitation over California has been the numerous landfalls of atmospheric rivers over the U.S. West Coast

49 Atmospheric Rivers have made landfall over the West Coast thus far during the 2017 water year (1 Oct. – 12 April 2017), which is much greater than normal

Of the 49 total atmospheric rivers that made landfall this year, 1/3 have been "strong" or "extreme" based on the AR strength scale.

AR Strength	AR Count*
Weak	12
Moderate	21
Strong	13
Extreme	3



Swarm of Atmospheric Rivers



Center for Western Weather and Water Extremes
SCRIPPS INSTITUTION OF OCEANOGRAPHY
AT UC SAN DIEGO

By F.M. Ralph, D. Pierce, C. Hecht, M. Dettinger, D. Cayan

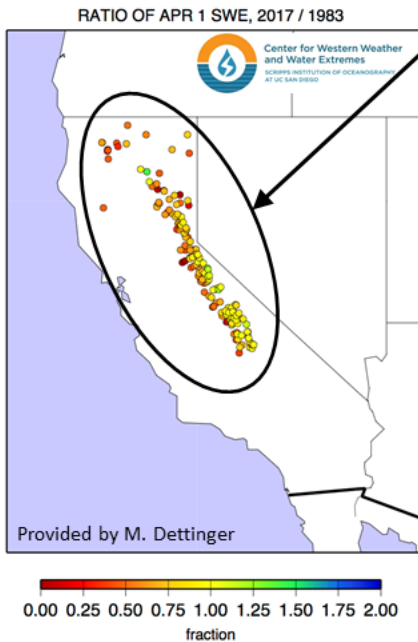
Experimental

Reno National Weather Service
Forecasting for the Sierra and western Nevada since 1905



The Record Breaking Water Year 2017

While precipitation totals for water year 2017 will most likely surpass 1983 at the Northern Sierra 8-Station Index, snowpack at many CA DWR snowcourses in the Sierras and Trinity Alps is lower when compared to 1983



Snow Records - Elevation Matters



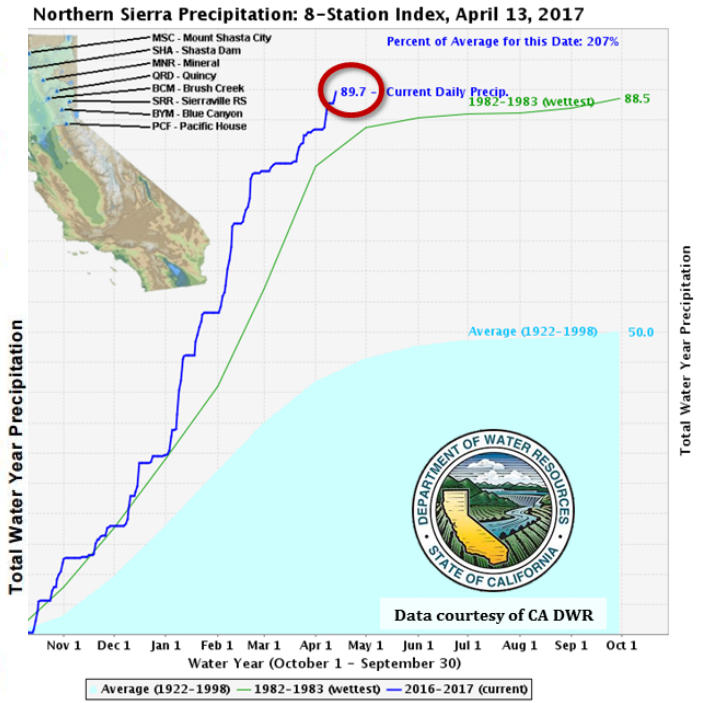
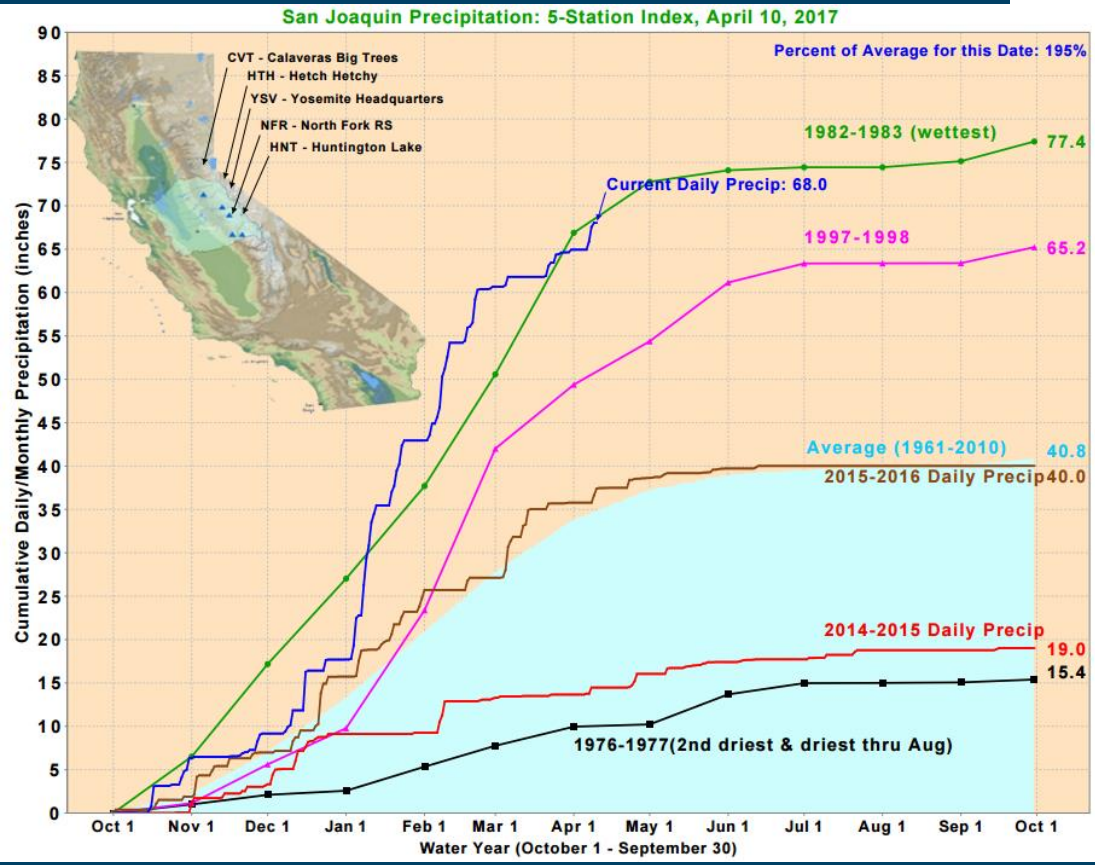
Center for Western Weather
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2016-17 is the "New 1982-83"

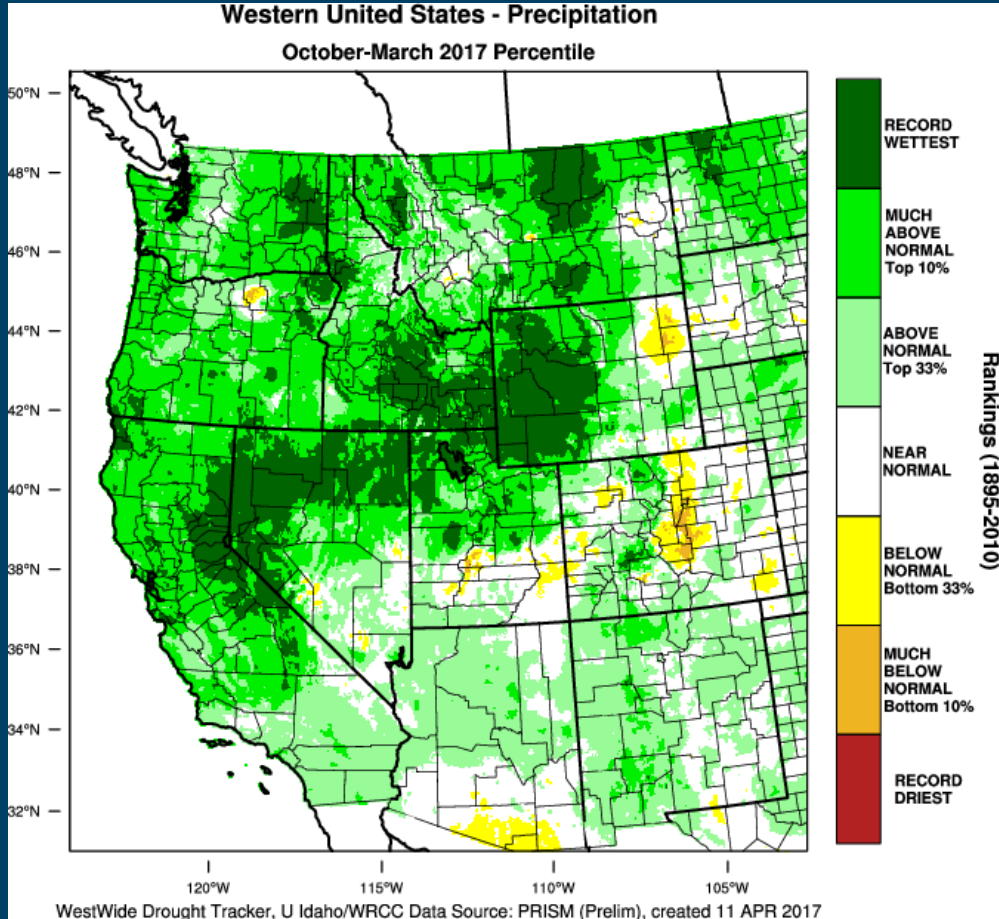
Record Broken! Wettest Water Year on Record for the Northern Sierra since 1922



Previous wettest water year - 1982/83
Period of record - 1922-2017
Average for this date - 207%

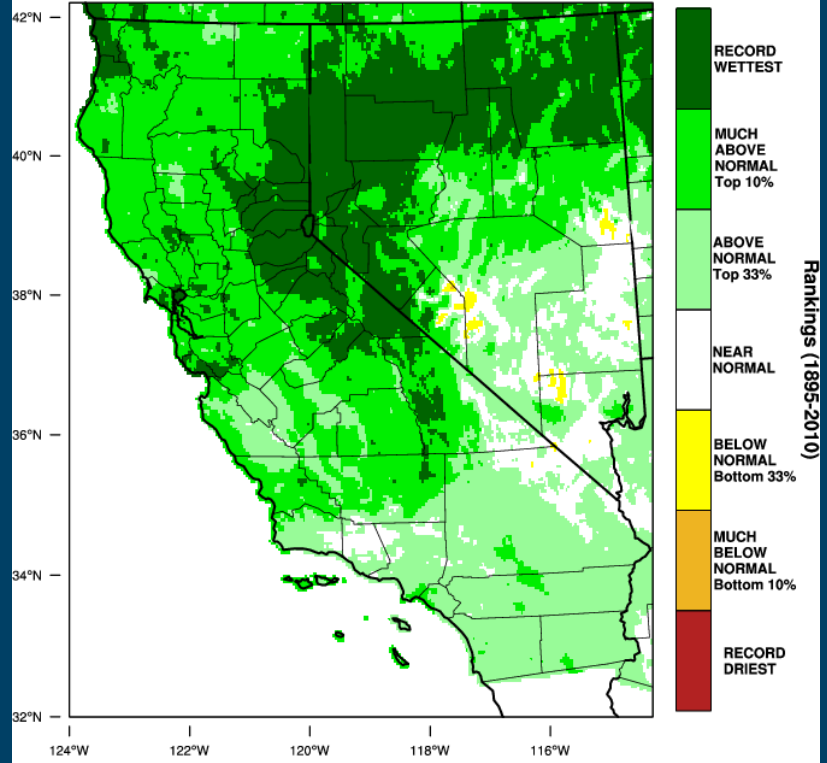
Water year is from October 1st - September 30th

Winter 2016-17: the I-80 Atmospheric River Alley



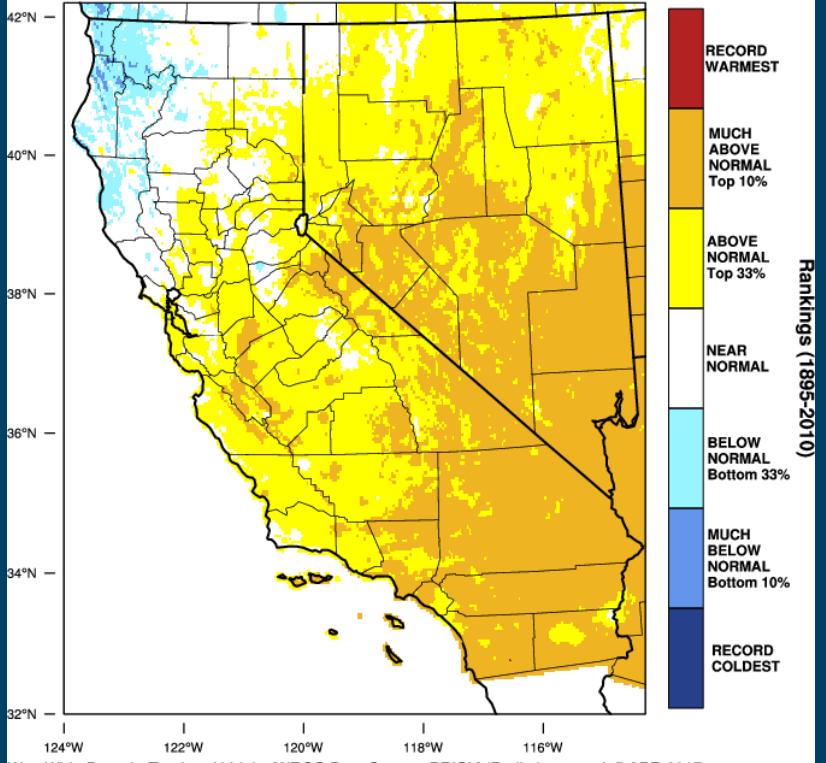
Winter 2016-17: the I-80 Atmospheric River Alley

California - Precipitation
October-March 2017 Percentile



WestWide Drought Tracker, U Idaho/WRCC Data Source: PRISM (Prelim), created 5 APR 2017

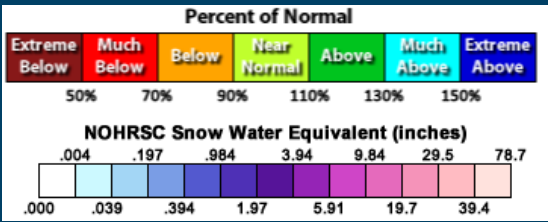
California - Mean Temperature
October-March 2017 Percentile



WestWide Drought Tracker, U Idaho/WRCC Data Source: PRISM (Prelim), created 5 APR 2017

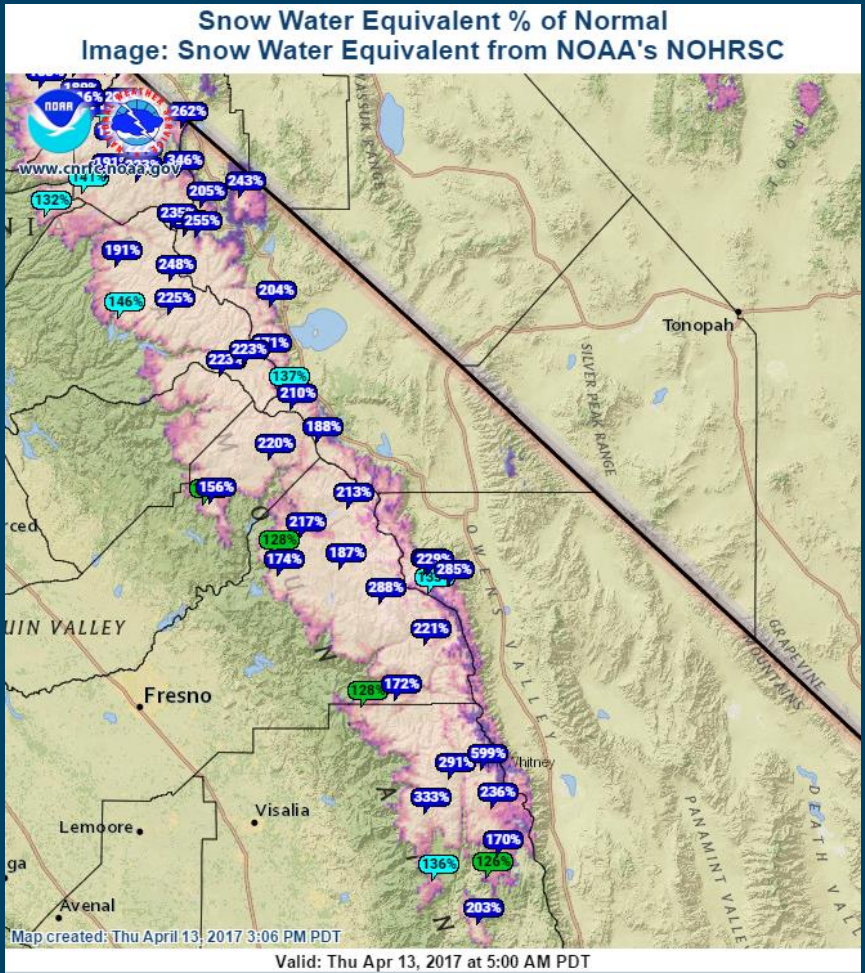


Snowpack Status

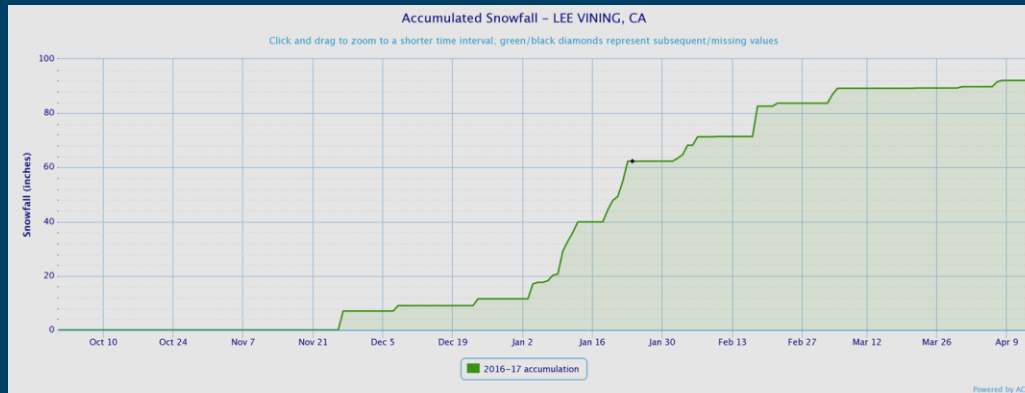
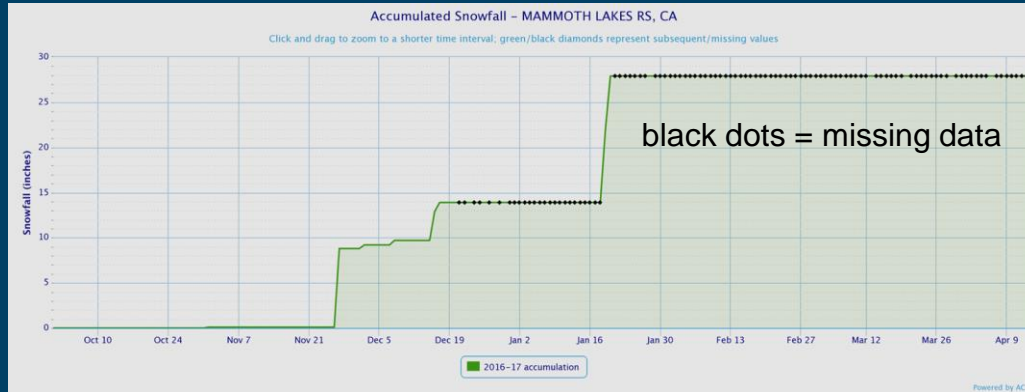


RARE SCENARIO

- Decades since we've seen this kind of snow
- 1983, 1969 are the closest analogs – nearing or breaking those records
- Analog – make some educated projections on spring impacts



East Side Predictability - Challenges



- Official certified NWS temperature, snow, rain data in Mammoth Lakes since 1993.
- At Welcome Center currently. Staffing limitations have really impacted observations this winter.
- Relocation? 1 mile, ± 500 feet.
- Impacts - long term climate record of the region, disaster declaration applications

Mammoth Lakes Official Observation

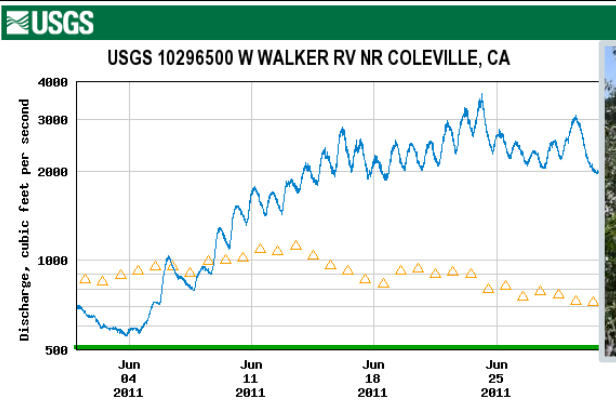
Best & Worst Case Scenarios for Flooding

- **Best Case** - Gradual spring warm-up, methodical snow melt from low to high elevations, with no major storms nor heatwaves. Persistent high flows, minor flooding at times.
- **Worst Case** - Hang onto snowpack longer due to cool spring. Rivers peak to major flood for days-weeks due to trigger events:
 - 1) spring storms with heavy rain from either AR or slow moving cutoff low (flash flooding) or
 - 2) heatwaves rapidly melting snow in late spring (slower, prolonged flooding).

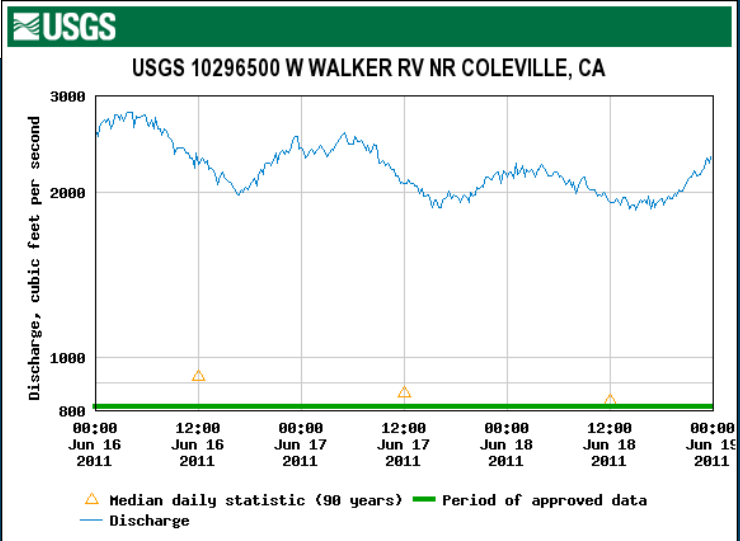
Predictability: So When Will We Know?

- **Spring, summer weather** : Good luck - no favored outcome
- **Heat waves** : 5-10 days
- **Atmospheric rivers** : 5-8 days
- **River flood forecasts** : start 5 days out *internal NWS simulations to 10 days
- **Spring heavy rains from “cutoff lows”** : 1-3 days
- **Thunderstorm flash flood scenarios** : 1-3 days *broad regional heads up

What is Different About Snowmelt Flooding?



- Triggered by sudden warming temperatures and/or heavy rainfall events.
- Creeping hazard which occurs over much **longer time scales**, days-weeks-even months
- Sleeper issue is often **peak flows occur at night** due to time lag from mountains-valleys. Harder to see by drivers; catches residents, campers off-guard.



Situational Awareness - When Should I Freakout?

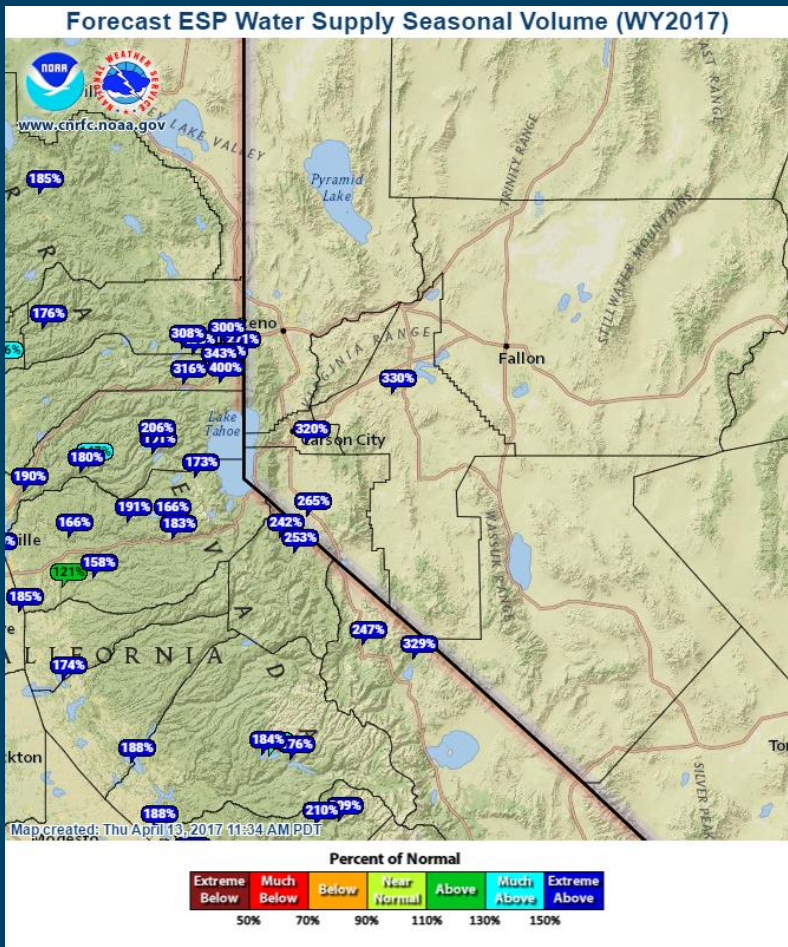
Chris & Tim's Rough Sketch on Timing the Highest Risks of Snowmelt Flooding

	April	May	June	July	August
Walker River Basin	Yellow	river basin at highest risk - could see major impacts Lyon County, plus impacts in Mono Co			Yellow
Carson River Basin	Yellow	next biggest concern - esp Carson Valley, downstream of Lahontan		Orange	Green
Truckee River Basin	Green	minor flood risk unless a big storm occurs		Yellow	Green
Tahoe Basin Creeks/Streams	Yellow	Orange	Red	Orange	Green
NE California Basins	Yellow	Orange	Yellow	Green	Green
E Sierra Creeks/Streams	Green	big time snowpack, lots of streams, many unknowns		Orange	Green
Lower Humboldt River Basin	slow moving snowmelt flooding		Orange	Yellow	Green

What Does This Mean? Integrates impacts and confidence	Green	Yellow	Orange	Red	Purple
	No worries	Low level of freakoutness	Moderate freakoutness	High freakoutness	End of this

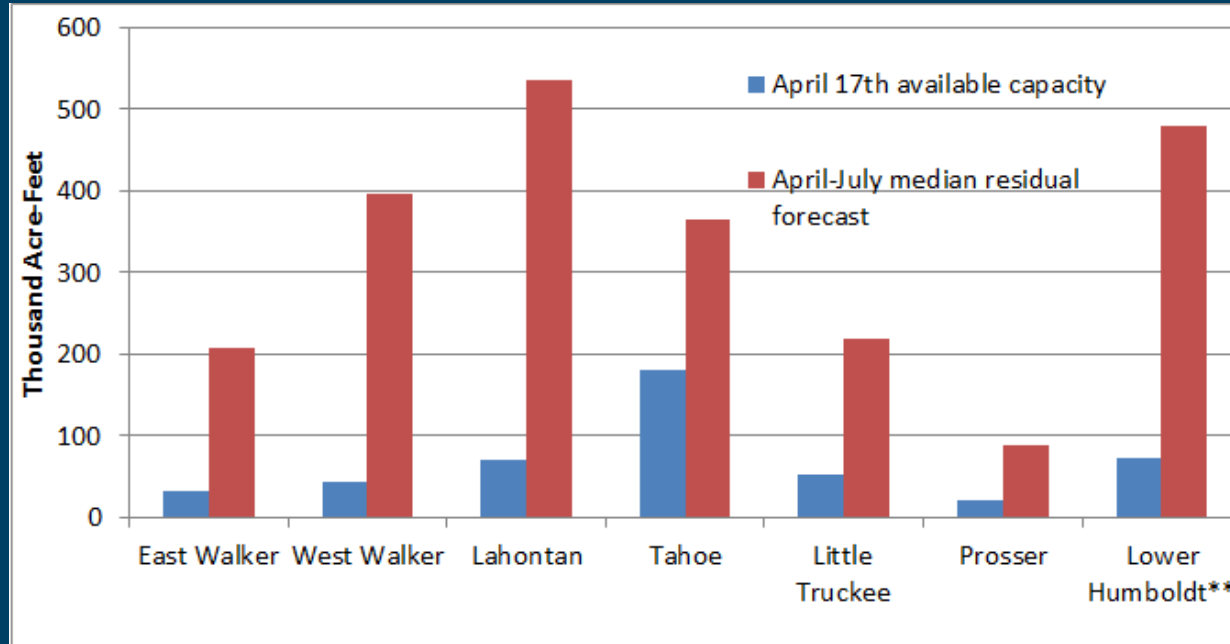


April-July Runoff Projections - NOAA



- We don't have specific flood forecasts more than 5-10 days out, so we rely on **analog**s of past years with similar snowpack conditions. 1982-83 for example.
- Exact flood hazard will depend heavily on **spring temperatures and precipitation**. **But plan for flooding.**

Reservoir Space vs What's Coming...

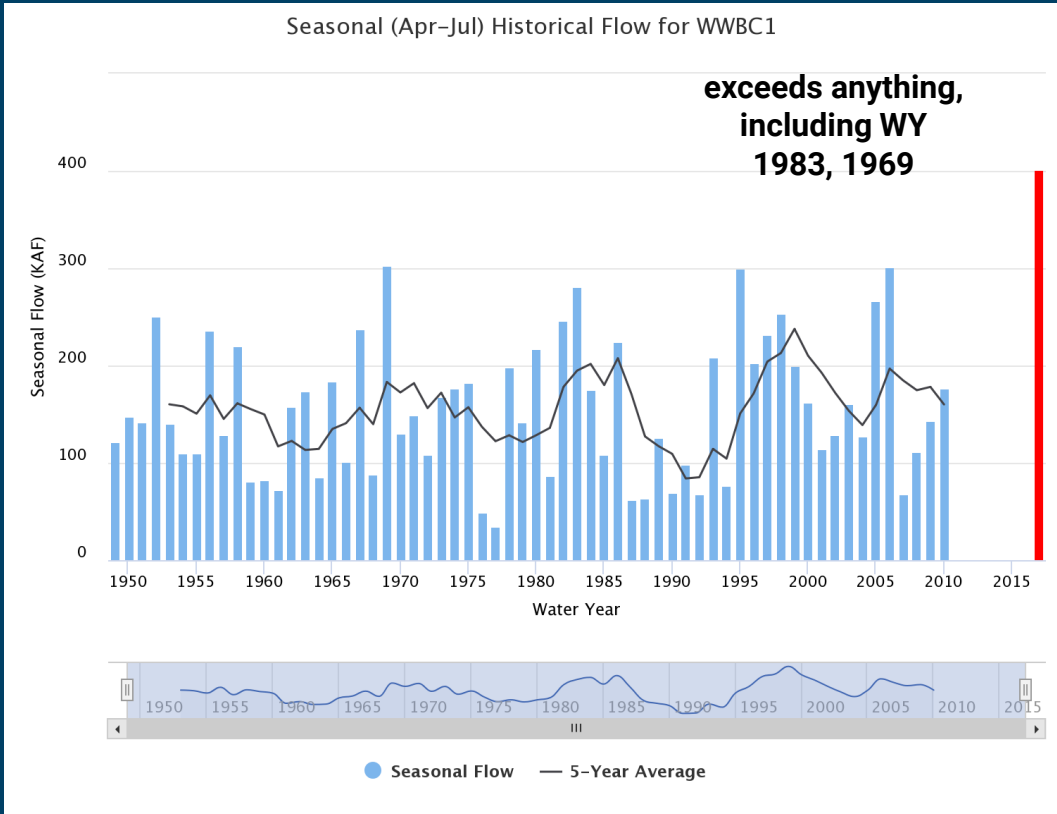


** Pit Taylor capacity rough estimate

Reservoirs - will help reduce flooding downstream, but due to expected runoff volume and reservoir capacities, they will not eliminate downstream flood risk.

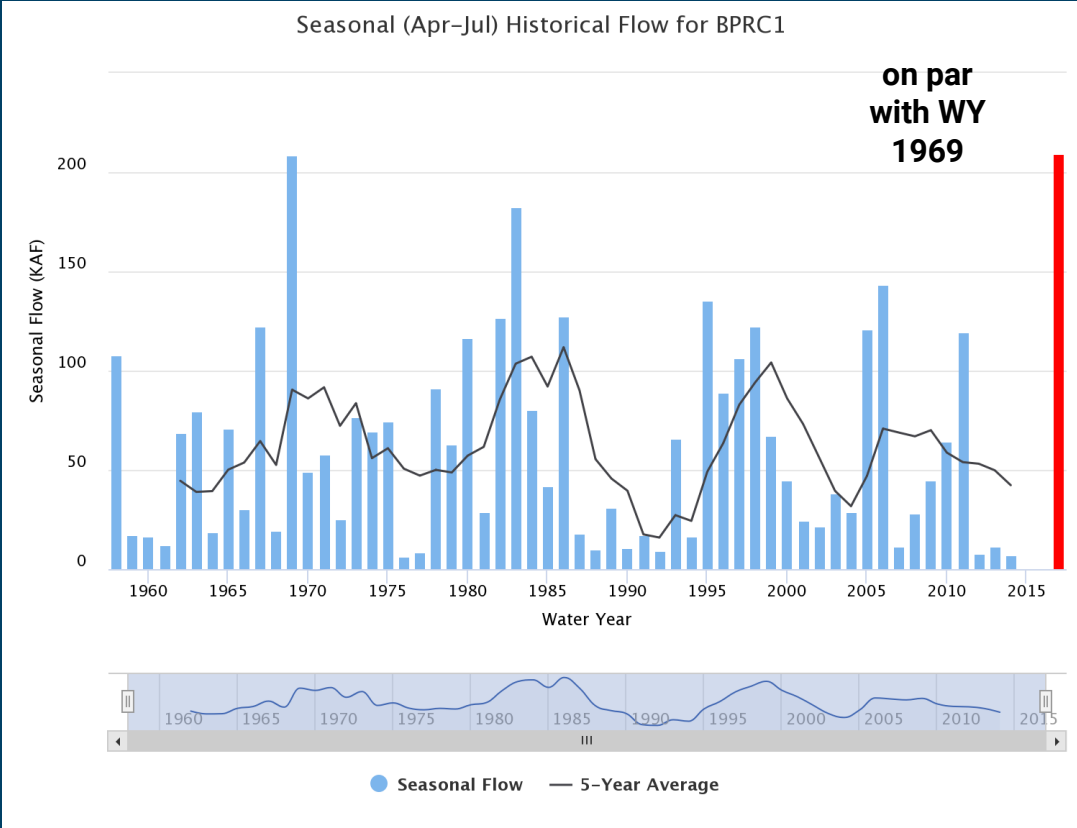
April -July Forecasts - West Walker River

- Flood Risk: Very High
- Likely Timeframe: May-July
- Notable Prone Areas: Walker Canyon, Antelope Valley, Smith Valley, downstream near Yerington, Mason Valley



April -July Forecasts - East Walker River

- Flood Risk: Very High
- Likely Timeframe: May-July
- Notable Prone Areas: CA-182 in Mono, E Walker Rd , downstream near Yerington, Mason Valley



Snowmelt Forecasts - Eastern Sierra Basins

**2017 EASTERN SIERRA
RUNOFF FORECAST
May 1, 2017**

APRIL THROUGH SEPTEMBER RUNOFF

	MOST PROBABLE VALUE (Acre-feet) (% of Avg.)	REASONABLE MAXIMUM (% of Avg.)	REASONABLE MINIMUM (% of Avg.)	LONG-TERM MEAN (1966 - 2015) (Acre-feet)
MONO BASIN:	211,200 210%	218%	201%	100,782
OWENS RIVER BASIN:	643,000 216%	227%	205%	298,151

*Source - LADWP, Paul Scantlin
Exceeds 1983 melt volume by ~10%*

- **Flood Risk: High**
- **Likely Timeframe: May-July**
- **Notable Prone Areas:** just about any snow-fed creek or river
- **Issues:** cold, fast water; increased water rescue incidents into summer; flooded campgrounds and rec areas; snow covered trails = people lost

Rarefied Scenario – (Un)known Unknowns??



- **Standing water** – mosquito, bug problems? Public health.
- **Wet ground** – trees falling easily, erosion along roads common
- **More SAR?** – lost hikers, cold water
- **Big landslides?** – Slide Mountain occurred in spring 1983
- **Stuff we can't anticipate**

Situational Awareness - When Should I Freakout?

Chris, Alex, and Edan's Rough Sketch on Timing the Highest Risks of Critical Fire Conditions

	May	June	July	August	September	October
Sierra Front			quick transition, mid to late	primarily grasses	primarily grasses	
Great Basin			quick transition, mid to late	primarily grasses	primarily grasses	
Eastern Sierra		lowest elevation grasses maybe	primarily grasses, lower elevations	primarily grasses, lower elevations	primarily grasses, lower elevations	
Tahoe Basin			snow free areas			
NE California, NW Nevada			quick transition			

What Does This Mean? Integrates impacts and confidence	No worries	Low level of freakoutness	Moderate freakoutness	High freakoutness	End of this
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REASONS TO BE A
WEATHER-READY NATION
AMBASSADOR

AT NATIONAL WEATHER SERVICE RENO, NEVADA

1



Weather in the Sierra and western Nevada can be extreme! Useful safety information will keep you safe when disaster strikes!

2



Building a Weather-Ready Nation will help us to inspire others to be better informed and prepared.

3



Platform to Speak Up - Engaging with National Weather Service personnel on collaboration and outreach opportunities will also lead to better forecasts.

4



Community Influence - Sharing success stories of preparedness with the Reno and Sierra areas to inform and empower them to make pre-event decisions.

Weather Ready Nation Ambassador

No. You don't get a special passport or diplomatic immunity.

Reno National Weather Service
Forecasting for the Sierra and western Nevada since 1905



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Item #2b - Cannabis
Workshop

Paul Smith - RCRC



Paul A. Smith

2017 CANNABIS LICENSING & REGULATORY UPDATE

MONO COUNTY



The Ogden Memo

Issued by the U.S Department of Justice, Obama Administration, October 19, 2009

- “As a general matter, pursuit of these priorities [prosecuting illegal drug traffickers] should not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana.”

The Cole Memo

Issued by the U.S Department of Justice, Obama Administration,
August 29, 2013

Prompted by passage of Amendment 64 in Colorado and Initiative 205 in Washington

U.S. Department of Justice goals in order to receive low-priority status in federal marijuana enforcement:

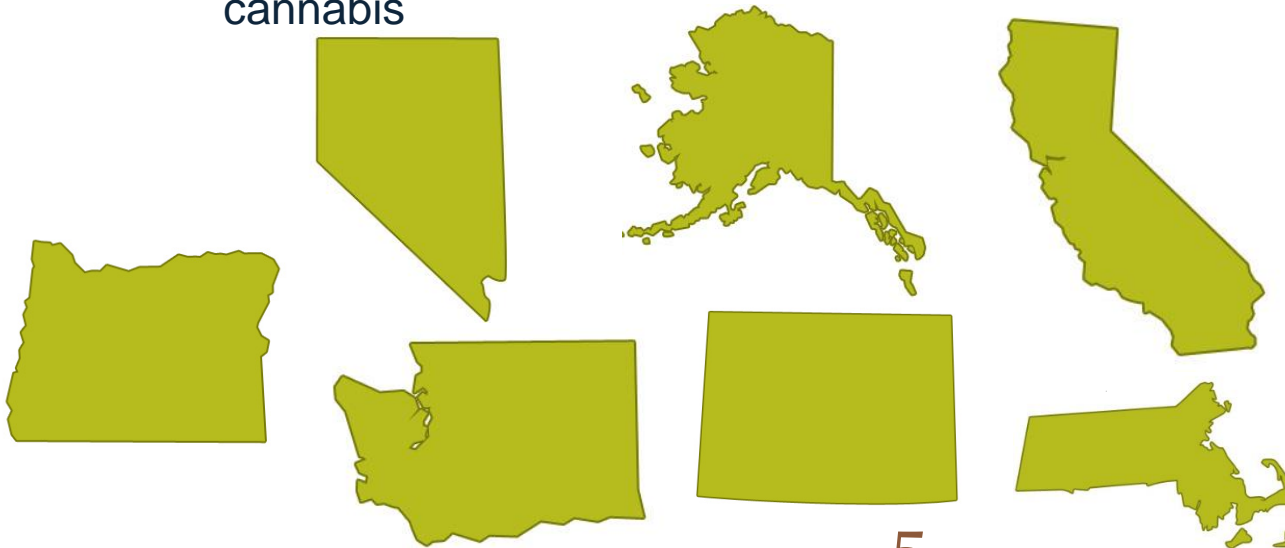
- 1) Preventing the distribution of marijuana to minors;
- 2) Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- 3) Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- 4) Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

The Cole Memo

- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and,
- Preventing marijuana possession or use on federal property.

There is a New Sheriff in Town

- President Trump's position?
- Attorney General Jeff Session's position?
 - All indications that the Trump Administration will continue current federal policy with respect to "medical" cannabis.
 - Unclear on how federal enforcement would/could occur in states that have sanctioned "adult-use" cannabis



RCRC's Adopted Policy Principles for Medical Cannabis

RCRC 2015-16 POLICY PRINCIPLES

MEDICAL MARIJUANA CULTIVATION

Local Preemption. Many RCRC member counties have enacted cultivation ordinances to address issues surrounding medical marijuana grows. While each ordinance varies, most address the size, scale, and conditions whereby grows can occur. Enforcement is conducted primarily by code enforcement officers with accompanying law enforcement. The courts have upheld counties' authority to enact these ordinances, noting that Proposition 215 and subsequent medical marijuana legislation are not comprehensive and do not preclude local land use authority.

RCRC opposes efforts in the Legislature or through the statewide initiative process to weaken or eliminate the ability of counties to set regulatory standards associated with a county's land use authority. Regulatory standards afforded counties must include:

- The ability to regulate including banning grows and/or dispensaries;
- The ability to impose stricter local standards than what is afforded in State law/regulation/permit;
- Assurance that no new "rights" are enshrined in law as the State permits medical marijuana activities;
- The preservation of local enforcement tools (e.g. nuisance abatement);
- The ability to have policies restricting the use of marijuana by employees, to address legitimate employer concerns such as the Federal Drug Free Workplace Act;
- Explicit provisions of law, in the absence of comprehensive State standards, which provide the ability of counties to impose pre-retail transportation standards; and,
- The power to tax and/or exact fees associated with local medical marijuana activities.

State Regulatory Program. RCRC supports a State regulatory scheme, consistent with the local control principles outlined above for medical marijuana products; empowered state agency requires:

- Licenses to grow, transport, distribute and sell medical marijuana products;
- As a condition of issuing a state license, demonstration of a local jurisdiction's approval - via certified copies of documents - to operate within the local jurisdiction's borders;
- The establishment of uniform standards for the potency of medical marijuana products;
- Proper labeling of medical marijuana products and other products used for cultivation in accordance with uniform potency standards;
- Maximum standards in the potency of medical marijuana products;
- Proper labeling of THC levels and other products used for cultivation;

- The allowance of appellation verification statements to be permitted ("branding");
- The prohibition of mobile deliveries and online sales;
- The imposition of security requirements upon grows and dispensaries;
- The restriction of licenses for previous criminal convictions (other than minor crimes associated with marijuana) and a strong revocation process for violations of corresponding state medical marijuana laws;
- The issue of tax compliance is addressed and minimizes the use of cash transactions;
- Authorization for the State to impose taxes and/or fees upon medical marijuana. The State should give priority for the use of these funds to localities for the costs of regulation or enforcement;
- The ability of State agencies' to apply current permit requirements and other regulations relating to water quality and usage, land conversion, pesticide/herbicide usage, and other environmentally-sensitive activities associated with cultivation;
- Statewide enforceable standards of what constitutes driving while impaired; and,
- Proper state enforcement of work and worker safety standards.

State Oversight Board. Any State medical marijuana oversight board must include in its composition several rural county supervisors and/or rural county representatives in order to reflect the unique issues that occur in the cultivation of marijuana in rural areas.

The "Collective Model." The current legal structure for growing and using medical marijuana involves the collective model whereby individuals band together to cultivate medical marijuana. RCRC believes that this model does not exist in current 'real world' medical marijuana practices. A complete restructuring must occur and RCRC encourages the State to craft a multi-tiered model for those who collectively cultivate, transport/distribute, sell, and use marijuana.

Environmental Enforcement. Despite the best efforts of counties to utilize their operational and/or land use authority, counties lack the tools, resources, or legal authority to fully address the environmental degradation that is occurring with unregulated grows - the negative impact on water quality and water supply, the destruction of habitat, and the improper use of pesticides/fertilizers, among others is rampant. RCRC believes that environmental damage must be addressed by a variety of state agencies including, but not limited to the Board of Forestry, the California Department of Fish and Wildlife, Regional Water Quality Control Boards as well as other traditional state law enforcement agencies (i.e. California Highway Patrol, Department of Justice). RCRC supports a requirement that state environmental agencies coordinate with local government to ensure uniform application in enforcement efforts.



Principles for Any Licensing/Regulatory Structure

- Preserving local control
- Explicit county taxing authority
- Ending the collective model
- Addressing environmental impacts

2015 Medical Cannabis Legislative Package

Medical Cannabis Regulation and Safety Act

AMENDED IN ASSEMBLY SEPTEMBER 11, 2015
 AMENDED IN ASSEMBLY SEPTEMBER 4, 2015
 AMENDED IN ASSEMBLY SEPTEMBER 1, 2015
 AMENDED IN ASSEMBLY AUGUST 18, 2015
 AMENDED IN ASSEMBLY AUGUST 17, 2015
 AMENDED IN SENATE JUNE 3, 2015
 AMENDED IN SENATE MAY 6, 2015
 AMENDED IN SENATE APRIL 6, 2015

SENATE BILL No. 643

Introduced by Senator McGuire

February 27, 2015

An act to amend Section 2220.05 of Sections 144, 2220.05, 2241.5, 2242.1 of, to add Sections 19302.1, 19319, 19320, 19322, 19323, 19325, 19326, 19327, 19328, 19329, 19330, 19331, 19332, 19333, 19334, 19335, 19336, 19337, 19338, 19339, 19340, 19341, 19342, 19343, 19344, 19345, 19346, 19347, 19348, 19349, 19350, 19351, 19352, 19353, 19354, 19355, 19356, 19357, 19358, 19359, 19360, 19361, 19362, 19363, 19364, 19365, 19366, 19367, 19368, 19369, 19370, 19371, 19372, 19373, 19374, 19375, 19376, 19377, 19378, 19379, 19380, 19381, 19382, 19383, 19384, 19385, 19386, 19387, 19388, 19389, 19390, 19391, 19392, 19393, 19394, 19395, 19396, 19397, 19398, 19399, 19400, 19401, 19402, 19403, 19404, 19405, 19406, 19407, 19408, 19409, 19410, 19411, 19412, 19413, 19414, 19415, 19416, 19417, 19418, 19419, 19420, 19421, 19422, 19423, 19424, 19425, 19426, 19427, 19428, 19429, 19430, 19431, 19432, 19433, 19434, 19435, 19436, 19437, 19438, 19439, 19440, 19441, 19442, 19443, 19444, 19445, 19446, 19447, 19448, 19449, 19450, 19451, 19452, 19453, 19454, 19455, 19456, 19457, 19458, 19459, 19460, 19461, 19462, 19463, 19464, 19465, 19466, 19467, 19468, 19469, 19470, 19471, 19472, 19473, 19474, 19475, 19476, 19477, 19478, 19479, 19480, 19481, 19482, 19483, 19484, 19485, 19486, 19487, 19488, 19489, 19490, 19491, 19492, 19493, 19494, 19495, 19496, 19497, 19498, 19499, 19500, 19501, 19502, 19503, 19504, 19505, 19506, 19507, 19508, 19509, 19510, 19511, 19512, 19513, 19514, 19515, 19516, 19517, 19518, 19519, 19520, 19521, 19522, 19523, 19524, 19525, 19526, 19527, 19528, 19529, 19530, 19531, 19532, 19533, 19534, 19535, 19536, 19537, 19538, 19539, 19540, 19541, 19542, 19543, 19544, 19545, 19546, 19547, 19548, 19549, 19550, 19551, 19552, 19553, 19554, 19555, 19556, 19557, 19558, 19559, 19560, 19561, 19562, 19563, 19564, 19565, 19566, 19567, 19568, 19569, 19570, 19571, 19572, 19573, 19574, 19575, 19576, 19577, 19578, 19579, 19580, 19581, 19582, 19583, 19584, 19585, 19586, 19587, 19588, 19589, 19590, 19591, 19592, 19593, 19594, 19595, 19596, 19597, 19598, 19599, 19600, 19601, 19602, 19603, 19604, 19605, 19606, 19607, 19608, 19609, 19610, 19611, 19612, 19613, 19614, 19615, 19616, 19617, 19618, 19619, 19620, 19621, 19622, 19623, 19624, 19625, 19626, 19627, 19628, 19629, 19630, 19631, 19632, 19633, 19634, 19635, 19636, 19637, 19638, 19639, 19640, 19641, 19642, 19643, 19644, 19645, 19646, 19647, 19648, 19649, 19650, 19651, 19652, 19653, 19654, 19655, 19656, 19657, 19658, 19659, 19660, 19661, 19662, 19663, 19664, 19665, 19666, 19667, 19668, 19669, 19670, 19671, 19672, 19673, 19674, 19675, 19676, 19677, 19678, 19679, 19680, 19681, 19682, 19683, 19684, 19685, 19686, 19687, 19688, 19689, 19690, 19691, 19692, 19693, 19694, 19695, 19696, 19697, 19698, 19699, 19700, 19701, 19702, 19703, 19704, 19705, 19706, 19707, 19708, 19709, 19710, 19711, 19712, 19713, 19714, 19715, 19716, 19717, 19718, 19719, 19720, 19721, 19722, 19723, 19724, 19725, 19726, 19727, 19728, 19729, 19730, 19731, 19732, 19733, 19734, 19735, 19736, 19737, 19738, 19739, 19740, 19741, 19742, 19743, 19744, 19745, 19746, 19747, 19748, 19749, 19750, 19751, 19752, 19753, 19754, 19755, 19756, 19757, 19758, 19759, 19760, 19761, 19762, 19763, 19764, 19765, 19766, 19767, 19768, 19769, 19770, 19771, 19772, 19773, 19774, 19775, 19776, 19777, 19778, 19779, 19780, 19781, 19782, 19783, 19784, 19785, 19786, 19787, 19788, 19789, 19790, 19791, 19792, 19793, 19794, 19795, 19796, 19797, 19798, 19799, 19800, 19801, 19802, 19803, 19804, 19805, 19806, 19807, 19808, 19809, 19810, 19811, 19812, 19813, 19814, 19815, 19816, 19817, 19818, 19819, 19820, 19821, 19822, 19823, 19824, 19825, 19826, 19827, 19828, 19829, 19830, 19831, 19832, 19833, 19834, 19835, 19836, 19837, 19838, 19839, 19840, 19841, 19842, 19843, 19844, 19845, 19846, 19847, 19848, 19849, 19850, 19851, 19852, 19853, 19854, 19855, 19856, 19857, 19858, 19859, 19860, 19861, 19862, 19863, 19864, 19865, 19866, 19867, 19868, 19869, 19870, 19871, 19872, 19873, 19874, 19875, 19876, 19877, 19878, 19879, 19880, 19881, 19882, 19883, 19884, 19885, 19886, 19887, 19888, 19889, 19890, 19891, 19892, 19893, 19894, 19895, 19896, 19897, 19898, 19899, 19900, 19901, 19902, 19903, 19904, 19905, 19906, 19907, 19908, 19909, 19910, 19911, 19912, 19913, 19914, 19915, 19916, 19917, 19918, 19919, 19920, 19921, 19922, 19923, 19924, 19925, 19926, 19927, 19928, 19929, 19930, 19931, 19932, 19933, 19934, 19935, 19936, 19937, 19938, 19939, 19940, 19941, 19942, 19943, 19944, 19945, 19946, 19947, 19948, 19949, 19950, 19951, 19952, 19953, 19954, 19955, 19956, 19957, 19958, 19959, 19960, 19961, 19962, 19963, 19964, 19965, 19966, 19967, 19968, 19969, 19970, 19971, 19972, 19973, 19974, 19975, 19976, 19977, 19978, 19979, 19980, 19981, 19982, 19983, 19984, 19985, 19986, 19987, 19988, 19989, 19990, 19991, 19992, 19993, 19994, 19995, 19996, 19997, 19998, 19999, 20000

LEGISLATIVE COUNSEL'S DIGEST

SB 643, as amended, McGuire. Medical marijuana.

~~Existing~~
 (1) Existing law, the Compassionate Use Act of 2003, requires that the measure enacted by the approval of Proposition 215.

AMENDED IN SENATE SEPTEMBER 11, 2015
 AMENDED IN SENATE SEPTEMBER 4, 2015
 AMENDED IN SENATE SEPTEMBER 1, 2015
 AMENDED IN SENATE AUGUST 17, 2015
 AMENDED IN SENATE JULY 2, 2015
 AMENDED IN ASSEMBLY JUNE 1, 2015
 AMENDED IN ASSEMBLY APRIL 22, 2015
 AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015-16 REGULAR SESSION

ASSEMBLY BILL No. 243

Introduced by Assembly Member Wood
 (Coauthors: Assembly Members Rendon and Williams)
 (Principal coauthor: Assembly Member Rendon)
 (Coauthor: Assembly Member Williams)

February 5, 2015

An act to amend Section 2220.05 of add Article 6 (commencing with Section 19331), Article 13 (commencing with Section 19350), and Article 17 (commencing with Section 19360) to Chapter 3.5 of Division 8 of the Business and Professions Code, to add Section 12029 to the Fish and Game Code, to add Sections 11362.769 and 11362.777 to the Health and Safety Code, and to add Section 13276 to the Water Code, relating to medical marijuana, and declaring the urgency thereof, to take effect immediately, marijuana, and making an appropriation therefor.

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AMENDED IN SENATE SEPTEMBER 11, 2015
 AMENDED IN SENATE SEPTEMBER 4, 2015
 AMENDED IN SENATE SEPTEMBER 1, 2015
 AMENDED IN SENATE AUGUST 17, 2015
 AMENDED IN SENATE JULY 13, 2015
 AMENDED IN SENATE JUNE 30, 2015
 AMENDED IN ASSEMBLY JUNE 2, 2015
 AMENDED IN ASSEMBLY MAY 11, 2015
 AMENDED IN ASSEMBLY MAY 5, 2015
 AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015-16 REGULAR SESSION

ASSEMBLY BILL No. 266

Introduced by Assembly Members Bonta, Cooley, Jones-Sawyer, and Lackey, and Wood
 (Coauthor: Assembly Member Chia)

February 10, 2015

An act to amend Section 2220.05 of the Business and Professions Code, relating to medical marijuana. An act to amend Sections 27 and 28 of, to add Section 205.1 to, and to add Chapter 3.3 (commencing with Section 19300) to Division 8 of, the Business and Professions Code, to amend Section 9147.7 of the Government Code, to amend Section 11362.773 of the Health and Safety Code, to amend Section 147.5 of the Labor Code, and to add Section 31020 to the Revenue and Tax Code, relating to medical marijuana.

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Key Aspects of the Medical Cannabis Package

Local Control– Key Clauses

- Business & Professions Code 19315 (a)
- Business & Professions Code 19316 (a)
- Business & Professions Code 19316 (c)
- Health & Safety Code 11362.777 (b) (3)

Key Aspects of the Medical Cannabis Package

- Explicit and broad county taxing authority
 - Referenced in Business & Professions Code 19348
- County authority to tax deliveries
 - Referenced in Business & Professions Code 19340 (c)
- Local fee and tax authority
 - Referenced in Business & Professions Code 19320 (d) & 19350

Key Aspects of the Medical Cannabis Package

Ending the Collective Model – Strict Licensing Scheme

- Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.

Business & Professions Code 19320 (a)

Key Aspects of the Medical Cannabis Package

Environmental Enforcement

- Establishment of the Medical Cannabis Fines & Penalties Account
- Fine & penalty monies dedicated to state and local environmental enforcement efforts
- Bureau of Cannabis Regulation shall establish a grant program to locals for regulation/enforcement assistance
- Water diversion protections
- Cultivation standards

Key Aspects of the Medical Cannabis Package

Licensure Exemptions



Personal Grows Exemption

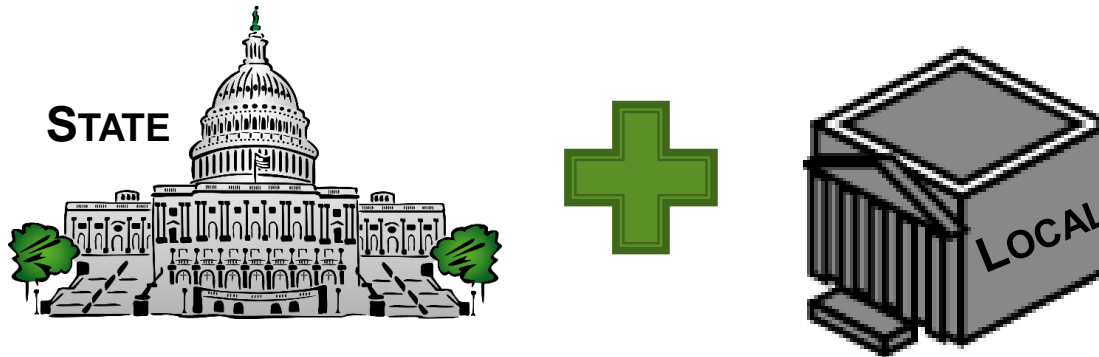


Patient Caregivers Exemption

Business & Professions Code 19319 (a) & (b)

Dual Licensing Requirement in the Medical Cannabis Regulatory Scheme

Must have both a state license & local approval to operate



Business & Professions Code 19320 (a)

Locals Go First for Cultivation Licenses

- Cultivation applicants must first obtain local license/permit before commencing an application for a state cultivation license

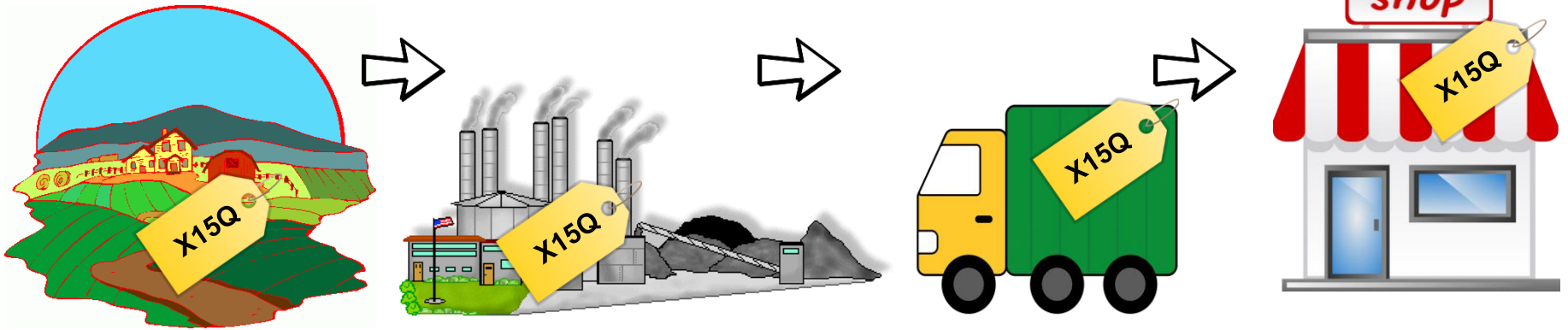
Health & Safety Code 11362.777 (b) (1)

Medical Cannabis State License Categories

TYPE	CLASSIFICATION
Type 1	Cultivation; Specialty outdoor; Max 5,000 sq ft per premise/ 50 mature plants
Type 1A	Cultivation; Specialty indoor; Max 5,000 sq ft per premise
Type 1B	Cultivation; Specialty mixed-light; Max 5,000 sq ft per premise
Type 1C	Cultivation; “Specialty cottage”
Type 2	Cultivation; Outdoor; 5,001 – 10,000 sq ft per premise
Type 2A	Cultivation; Indoor; 5,001 – 10,000 sq ft per premise
Type 2B	Cultivation; Mixed-light; 5,001 – 10,000 sq ft per premise
Type 3	Cultivation; Outdoor; 10,001 – 1 acre sq ft per premise*
Type 3A	Cultivation; Indoor; 10,001 – 1 acre sq ft per premise*
Type 3B	Cultivation; Mixed-light; 10,001 – 1 acre sq ft per premise*
Type 4	Nursery; Can transport live plants
Type 6	Manufacturer 1; Products using nonvolatile solvents
Type 7	Manufacturer 2; Products using volatile solvents
Type 8	Testing Laboratory
Type 10	Dispensary; General
Type 10A	Dispensary; No more than three retail sites
Type 11	Distribution
Type 12	Transporter

*CDFA shall have a limit on the number of licenses in this type.

Track & Trace Requirement



- All plants must be tagged with unique identifier
- Data subject to inspection at all times
- Minimize inversion and diversion
- Helpful tool for tax and fee collection

Mobile Deliveries

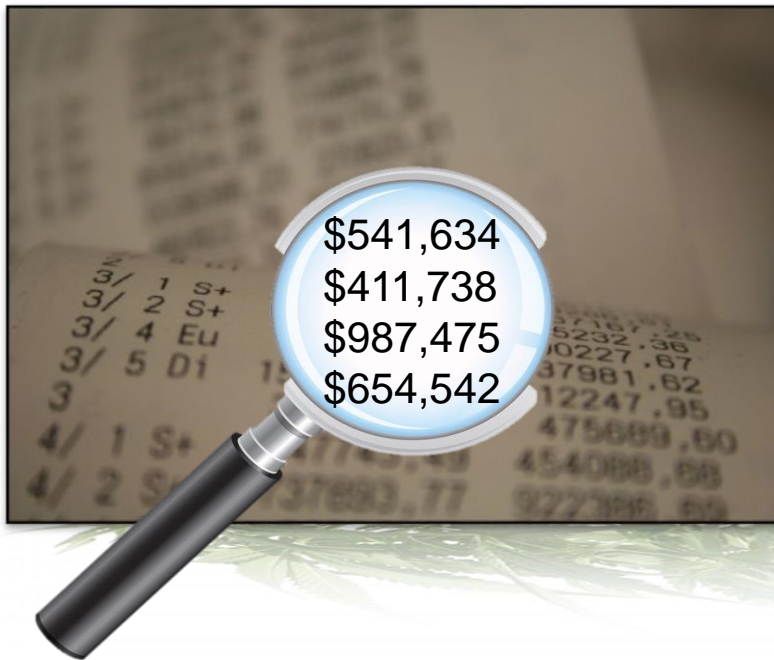
- The default is that mobile deliveries are allowed
- Can only be prohibited by enactment of local ordinance
- Mobile delivery must originate from a licensed dispensary



Business & Professions Code 19340

Local Role in Enforcement

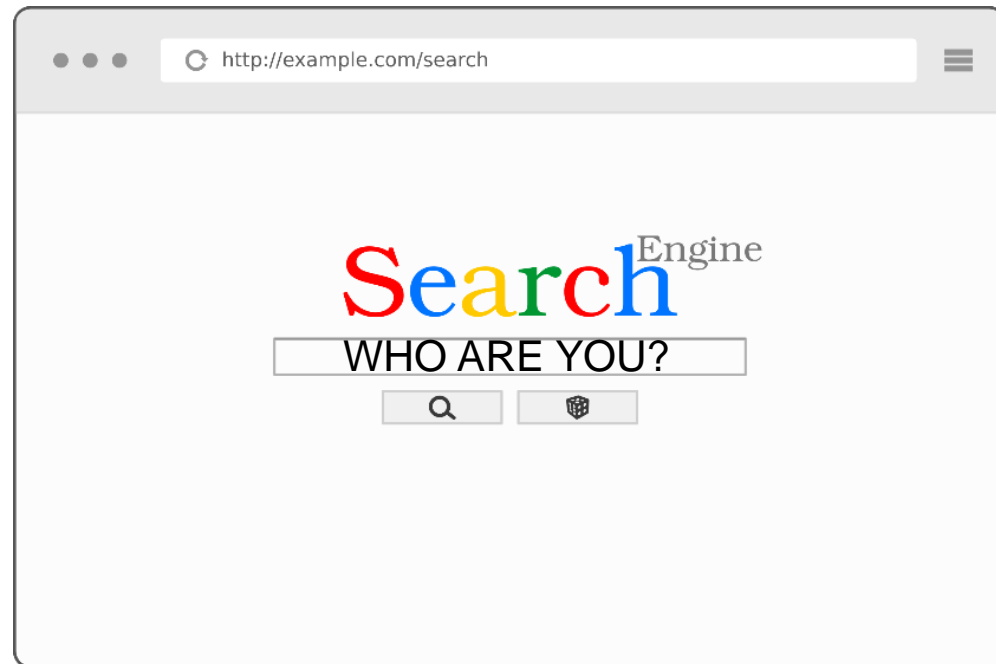
Examine books



Coordinated enforcement

Background Checks/License Restrictions (Criminal Record)

- Prospective licensees must submit to State Department of Justice background checks



Business & Professions Code 19323

Other Relevant Aspects of the Medical Cannabis Legislative Package

- Employer Restrictions
- Transportation Standards
- Pesticide Standards
- Cross-Ownership Restrictions
- Mandatory Distribution

Regional Regulatory Orders

- Central Valley Waiver of Waste Discharge Requirement
 - Adopted October, 2015
- North Coast Waiver of Waste Discharge Requirement
 - Adopted August, 2015



Key Elements in Regulatory Orders

- Defer to county ordinances
- Impose monitoring & reporting requirements
- Establish regulatory fee schedules
- Fine & penalty scheme for non-compliance
- No county obligations
- Effective immediately upon adoption by each Board

State Licensing Agencies

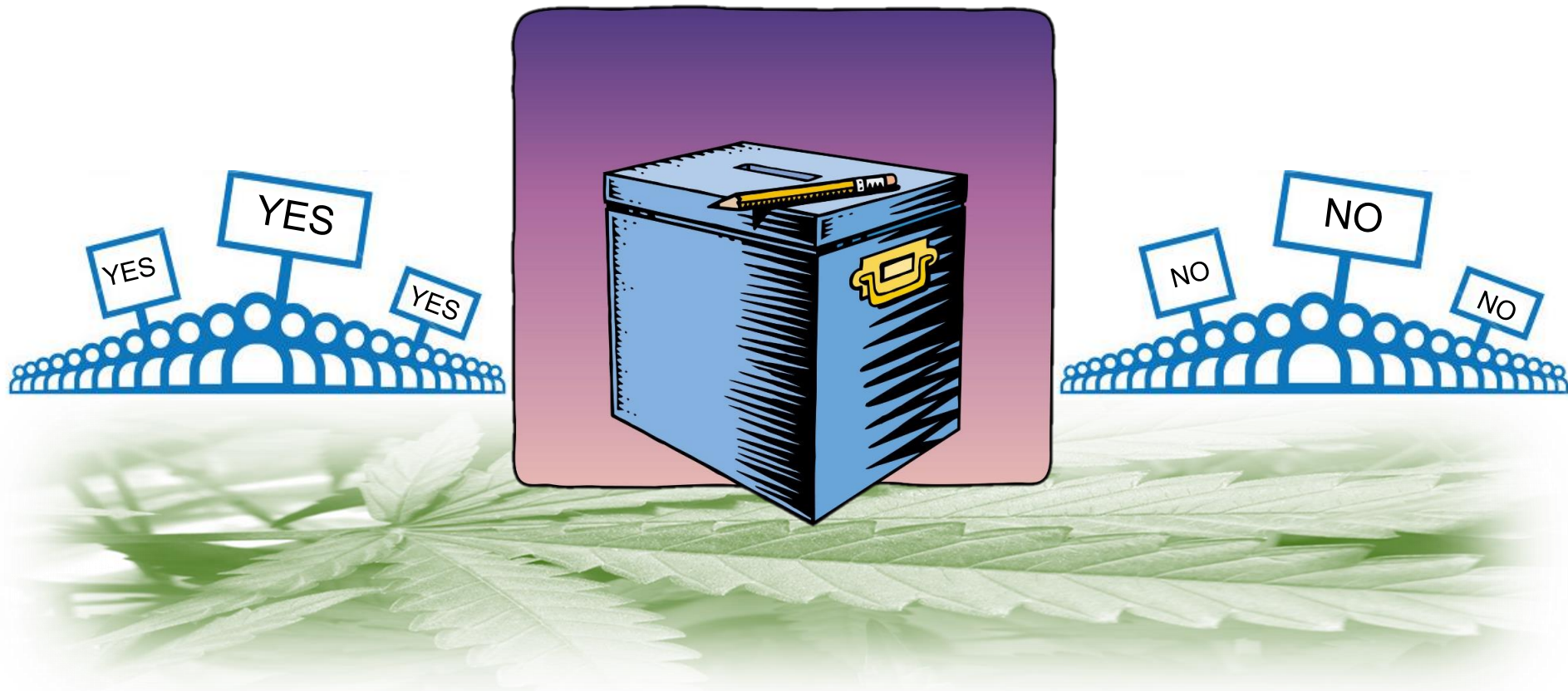
Package confers much regulatory authority to licensing agencies:

Department of Consumer Affairs Licenses	Department of Public Health Licenses	Department of Food and Agriculture Licenses
Dispensaries	Manufacturers	Cultivators
Transporters		Nurseries
Distributors		
Testing Laboratories		

Other Relevant Aspects of the Coming Medical Cannabis Regulatory Package

- Draft regulations from licensing agencies due at end of April
- Two key issues
 - State verification of local approval
 - Transportation standards

Proposition 64 (Adult Use of Marijuana Act)



Proposition 64 (Adult Use of Marijuana Act)

- In November, the voters enacted Proposition 64 which:
 - Allows persons age 21 or older to possess, process, share or transport no more than one ounce of marijuana for personal consumption and not for sale
 - Allows persons to cultivate, on private property no more than 6 marijuana plants for personal consumption in an area of not more than 25 square feet
 - Provides local governments the option and ability to regulate, control, permit, license, and tax activities surrounding the use, cultivation and sale of marijuana
- **Proposition 64's proposed regulatory scheme is, for the most part, congruent with the Medical Cannabis Regulation and Safety Act enacted in 2015 by the Legislature**

Proposition 64 (Adult Use of Marijuana Act)

Some notable differences from MCRSA:

- No dual licensing requirement
- No mandatory distribution
- No prohibitions on owning multiple licenses outside of each licensing type
- No size limitation on large grows (local governments can still limit size)
- Enacts a state tax scheme
- Does not have the explicit reference to mobile deliveries

Key Local Control Provision in Proposition 64

26055 (e) Licensing authorities shall not approve an application for a state license under this division if approval of the state license will violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200.

Business & Professions Code 26055 (e)

Additional License Categories Created in Proposition 64

TYPE	CATEGORIES
Type 5*	Cultivation; Outdoor large; greater than 1 acre
Type 5a*	Cultivation; Indoor large; greater than 22,000 sq ft
Type 5b*	Cultivation; Mixed light large; greater than 22,000 sq ft
Type 12	Microbusiness

*Delayed issuance until January 1, 2023



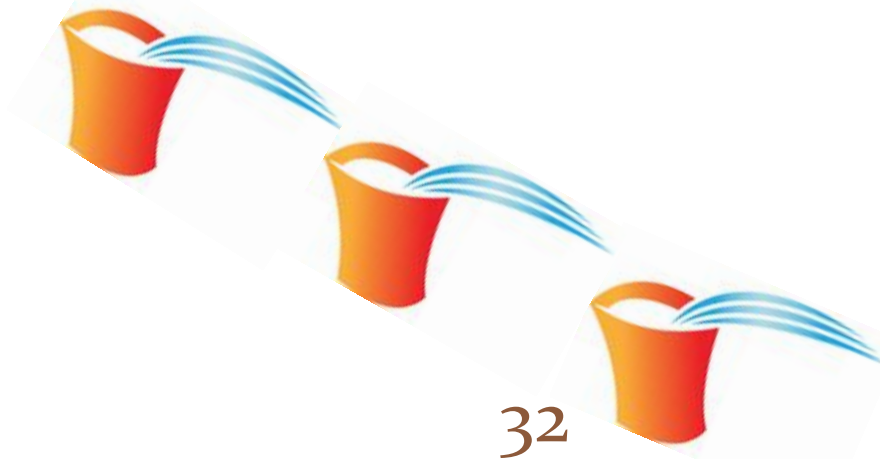
State Tax Aspects of Proposition 64

- Imposes a State 15% excise tax @ retail - Referenced in Revenue & Taxation Code 34011 (a)
- No sales & use tax on medical cannabis; to qualify, patient must present county-issued medical identification card - Referenced in Revenue & Taxation Code 34011 (g)
- State cultivation tax: Flowers: \$9.25 per ounce/Leaves: \$2.75 per ounce - Referenced in Revenue & Taxation Code 34012
- Board of Equalization:
 - Collects & administers
 - Can make adjustment
 - Use tax stamps
 - Link to track & trace
 - Personal cultivation and caregiver exemption
 - Paid quarterly
 - Effective January 1, 2018
 - May require licensees to have security requirements for tax liabilities



State Tax Aspects of Proposition 64

- Proceeds from taxes placed in Marijuana Tax Fund
 - Administration, then:
 - 60% = Youth-related use
 - 20% = Environment-related
 - 20% = Local government & California Highway Patrol
- Legislature can change tax distribution formula after July 1, 2028



What Other Rural Counties Are Currently Doing

Restricted to personal grows

County	Method
Butte	Grow on ½ acre; must be indoor; more than ½ both indoor/outdoor can occur but max 150 sq ft.; must be Butte county resident; set-back requirements
Yuba	12 plant max; separate indoor structure; not for human habitation; no outside grows

Some Rural Counties Are Sanctioning Commercial Grows

- Humboldt
- Inyo
- Mendocino
- Santa Cruz
- Sonoma
- Trinity
- Yolo (Medical Only)

Highlights of Santa Cruz Scheme

- Personal grows as patients
 - 100 square feet
 - Indoor
 - Not visible
 - Can't enter commerce chain
 - Need identification card
- Exemption transfer of grow sites
- Need local license and state license
- Licensing Official = CAO
- 90 day pre-license – 2 exceptions
- Identify water source
- Indoor = filtration, no visibility
 - Must have security plan
- Civil penalties include monetary fines
- Cultivation Type
 - CA = Commercial Ag = Minimum of 1 acre/No more than 2% in cultivation
 - A = Ag = Minimum of 10 acres/No more than 1.5% in cultivation
 - RA = Residential Ag = Minimum 5 acres/No more than 1.25% in cultivation
 - Commercial = Indoor 1 acre
 - Industrial mining = Indoor 1 acre
 - TP = Timber = Minimum 5 acres/No more than 1.25% in cultivation
 - SU = Special Use = Minimum 5 acres/No more than 1.25% in cultivation

Highlights of Proposed Mendocino Scheme

- Focus on branding and small artisan cultivation
- Adopted cottage license of 2,500 sq ft or less – indoor/outdoor and mixed light
- Agricultural Commissioner issues permit and enforces (not sheriff)
- Max 10,000 sq ft of canopy – mirror state types -> stop at state license Type 2B
- Allow nursery up to 22,000 sq ft -> Type 4 with State
- Personal grow 100 sq ft/Caregiver grow 200 sq ft -> indoor/outdoor allowed, but must register with the Department of Agriculture, not visible
- Except industrial, all grows less than 10 acres requires a dwelling unit
- Exemption transfer for residents pre-2016
- Include sunset provision – properties zoned rural residential under 5 acres, relocated within 3 years
- Resident requirement until 2020
 - Phase 1: 2017 - prior to 2016 cultivation
 - Phase 2: 2018 - new grows in industrial
 - Phase 3: 2020 - new grows in limited zoning districts
- Identity water source
- Only those eligible are growers growing before 2016
- Working on licensing for non-cultivation licensing types
- Working on innovation zone
- Working on exemption process for sunset zone areas with large concentration of cultivation
- Only Mendocino Sustainably Farmed Certificate. Must grow organic. Sustainably-grown certificate and “Mendocino Grown”
- TAX APPROVED IN NOVEMBER
 - Tax = proposed yield tax on cultivation
 - Gross receipts with a minimum payment for cultivation and dispensaries
 - Flat rates for other license types

Highlights of Proposed Mendocino Scheme

TABLE 1
Zoning Permit Requirement for Existing Medical Cannabis Cultivation by Zoning District and Medical Cannabis Cultivation Ordinance Permit Type

MCCO Permit Type	C Small Outdoor	C-A Small Indoor, Artificial Light		C-B Small, Mixed Light	1 Medium Outdoor	1-A Medium Indoor, Artificial Light	1-B Medium Mixed Light	2 Large Outdoor	2-A Large Indoor, Artificial Light	2-B Large Mixed Light	4 Nursery
Min Parcel Area (ac)	NA	NA		NA	5	5	5	10	10	10	10
Cultivation Area Limit (sf)	2,500	500	501 - 2,500	2,500	2,501- 5,000	2,501- 5,000	2,501- 5,000	5,001- 10,000	5,001- 10,000	5,001- 10,000	22,000
Zoning District	RR 5*	ZC	AP	UP	ZC	ZC	--	ZC	--	--	--
	RR 10	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	AG	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	UR	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	RL **	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	FL **	ZC	AP	UP	ZC	AP	--	AP	AP	--	AP
	TPZ**	ZC	AP	UP	ZC	AP	--	AP	AP	--	AP
	I1	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	I2	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	PI	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC

-- = Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit

* Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres.

** Existing cultivation sites in the FL, TPZ and RL zoning districts are permitted subject to limitations of this section. Expansion of existing cultivation sites in the FL, TPZ and RL zoning districts is permitted, subject to the issuance of an Administrative Permit.

Key 2017 Legislation

Bill	Description	RCRC Position
AB 64 (Bonta)	Multiple amendments to MCRSA, including advertising regulations and adding non-storefront sellers	Pending
AB 948 (Bonta)	Authorizes a person licensed under MCRSA or AUMA whose estimated tax liability under the Sales & Use Tax Law averages \$10,000 or more per month to remit amounts due by a means other than electronic funds transfer if the board deems it necessary	Support
AB 963 (Gipson)	Creates marijuana tax collection and prepayment scheme, including procedures and penalties	Pending
AB 1254 (Wood)	Penalties for water diversion in marijuana cultivation and other detrimental environmental aspects	Support
AB 1410 (Wood)	Places primary tax collection and remittance duties on distributors	Support
AB 1527 (Cooley)	Establishes revolving-door prohibitions on job changes between regulatory agencies and marijuana industry	Watch
SB 148 (Wiener)	Cash acceptance by counties for marijuana fees	Support
SB 175 (McGuire)	Addresses the misleading of county-of-origin labeling	Support

Governor's Trailer Budget Language

Making the MCRSA look more like Proposition 64

- Locals required to notify state licensing entities of their ordinances
- Eliminating the requirement of state-issued medical cannabis identification cards (rely on counties to issue)
- Modifies definition of “delivery” – no regulation of technology platforms
- Abolishing the restrictions on cross-ownership of licenses
- End the independent distribution model
- Repeals separate licenses for separate locations
- Cannabis licensees can hold alcoholic beverage licenses

Cannabis Activities – Native American Tribes

AMENDED IN ASSEMBLY MARCH 28, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1096

Introduced by Assembly Member Bonta

February 17, 2017

An act relating to medical cannabis: to add Chapter 22 (commencing with Section 26212) to Division 10 of the Business and Professions Code, relating to marijuana.

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, as amended, Bonta. ~~Medical cannabis—Marijuana: agreements with tribal governments.~~

The Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, allows the use of marijuana for medical purposes. The Medical Marijuana Regulation and Safety Act, enacted by the Legislature, provides for the state licensure and regulation of commercial medical cannabis activities by the Department of Consumer Affairs, the Department of Food and Agriculture, or the State Department of Public Health, as specified.

The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative statute enacted by the approval of Proposition 64 at the November 8, 2016, statewide general election, authorizes a person 21 years of age or older to possess and use specified amounts of marijuana. AUMA also authorizes a person who obtains a state license under AUMA to engage in commercial marijuana activity. AUMA generally divides responsibility for the state licensure and regulation of commercial marijuana activity among the Bureau of Marijuana Control within the Department of Consumer Affairs, the Department of Food

- Wilkinson Memo (October, 2014)
- Assembly Bill 2545 (Bonta) of 2016 - failed in Assembly Appropriations Committee
- Assembly Bill 1096 (Bonta) introduced in February, 2017
- What is the role of the feds???
- What is the role of state and locals???
- Moving cannabis products off tribal lands???
- Tribal-issued licenses???
- Tribal MOU's with locals???

Questions?