



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

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SLO COUNTY GRAND JURY

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September 20, 2012

Presiding Judge Barry T. LaBarbera
Superior Court of California
1050 Monterey Street
San Luis Obispo, California 93408

Re: Grand Jury Report entitled "Out of Sight, Out of Mind—Medical Marijuana in San Luis Obispo County"

Dear Judge LaBarbera:

On behalf of the City of Paso Robles, please accept this letter as the City's response to the San Luis Obispo County Grand Jury report entitled "Out of Sight, Out of Mind—Medical Marijuana in San Luis Obispo County" (hereinafter the "Report") This response is submitted in compliance with Penal Code Section 933(c). A copy of this response is concurrently being transmitted to the Grand Jury.

Proposition 215 established the "Compassionate Use of Marijuana Law" in California which is permissive legislation that permits jurisdiction to allow establishment of medical marijuana dispensaries. This legislation does not require individual jurisdictions to permit establishment, operation or distribution of medical marijuana. Thus, there is no obligation for local jurisdictions to adopt enabling regulations for this use.

The Report sets forth ten findings, and six recommendations. The City of Paso Robles has been requested to respond to Findings 2 through 7, inclusive, and Recommendations 2 through 5, inclusive.

Findings

2. Each incorporated city in the county has an ordinance prohibiting brick and mortar medical marijuana collectives within its city limits.

Response: Agree in part. The City of Paso Robles has an ordinance, set forth in Title 21, Chapter 21.33 of its Municipal Code, which prohibits establishment or operation of medical marijuana dispensaries within the City. As defined in the City's ordinance, a medical marijuana dispensary (land use) "means a facility or location that provides, makes available or distributes medical marijuana to a primary caregiver, a qualified patient, or a person with an

identification card issued in accordance with California Health and Safety Code Sections 11362.5, et seq.” Paso Robles cannot comment on the ordinances adopted by other cities in the county.

3. The county and incorporated cities in the county have not adopted an ordinance regarding medical marijuana mobile collective delivery services operating within their jurisdictions, with the exception of Atascadero.

Response: Disagree in part. Paso Robles Title 21, Chapter 21.33 does not include within the definition of “medical marijuana dispensary” a mobile medical marijuana delivery service. Under the City’s zoning code, a medical marijuana dispensary is not a permitted use in any zone of the City. Paso Robles cannot comment on the ordinances adopted by other cities in the county or the County itself.

4. Business licenses are required for all businesses operating in the incorporated and unincorporated areas of the county.

Response: Agree in part. Title 5, Chapter 5.04 of the Paso Robles Municipal Code requires business licenses for all businesses operating within the City of Paso Robles. Paso Robles cannot comment on the ordinances adopted by other cities in the county.

5. Many medical marijuana mobile collective delivery services operate in the incorporated and unincorporated areas of the county without a business license.

Response: Disagree in part. The City of Paso Robles is unaware of such services operating within the City of Paso Robles or if they mobile dispensaries operate in the unincorporated parts of the County. The City of Paso Robles cannot comment on whether such services operate in other cities in the county.

6. There is currently no way to determine the exact number of medical marijuana mobile collective delivery services operating in the incorporated and unincorporated areas of the county or on the Cal Poly Campus.

Response: Agree.

7. There is no protocol for medical marijuana mobile collective delivery service recordkeeping.

Response: Disagree in part. The City of Paso Robles is unaware of such protocols within the City of Paso Robles. Paso Robles cannot comment on whether there are such protocols in other cities in the county.

Recommendations:

2. The county and incorporated cities in the county should develop an ordinance regarding medical marijuana mobile collective delivery services within their respective jurisdictions.

Response: The recommendation will not be implemented because it is not warranted. There has been no study demonstrating that mobile delivery services as described in the Report are developing with such frequency and regularity within the City of Paso Robles as to mandate the adoption of an ordinance and subsequent enforcement of such an ordinance. Furthermore, the City of Paso Robles is not obligated under State or Federal laws to develop such an ordinance.

3. By code or ordinance, the county and each incorporated city in the county should require medical marijuana mobile collective delivery services operating within their jurisdiction to possess a business license and seller's permit.

Response: The recommendation will not be implemented because it is not warranted. Possession of, and distribution of marijuana, whether for medical or other purposes, is prohibited by Federal law. The City of Paso Robles will not issue business licenses to medical marijuana dispensaries, since they are prohibited from being established or operating in the City, and they would operate in violation of Federal law.

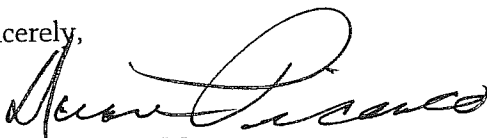
4. Using business records, seller's permits and sales taxes, the county and each incorporated city in the county should compile a list of medical marijuana mobile collective delivery services operating within their jurisdictions.

Response: The recommendation will not be implemented because it is not warranted. Possession of, and distribution of marijuana, whether for medical or other purposes, is prohibited by Federal law. The City of Paso Robles will not compile lists of medical marijuana dispensaries, whether mobile or fixed, since they are prohibited from operating in the City, and they operate in violation of Federal law.

5. By code or ordinance, the county and each incorporated city in the county should require medical marijuana collectives and mobile collective delivery services to keep current records.

Response: The recommendation will not be implemented because it is not warranted. Possession of, and distribution of marijuana, whether for medical or other purposes, is prohibited by Federal law. The City of Paso Robles will not require medical marijuana dispensaries, whether mobile or fixed, to keep any records, since they are prohibited from operating in the City, and they operate in violation of Federal law.

Sincerely,



Duane Picanco, Mayor
City of Paso Robles

Response to Grand Jury Report Form

Report Title: Out of Sight, Out of Mind: Medical Marijuana in San Luis Obispo County
Report Date: June 26, 2012
Authorized Responder: Duane Picaucio, Mayor

FINDINGS

- Agree in part: 2, 4
- I (we) agree with the findings numbered: 6
 - I (we) disagree wholly or partially with the findings numbered: disagree in part: 3, 5, 7
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered 2, 3, 4, 5 will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: 9-17-12 Signed: Duane Picaucio

Number of pages attached 3