



Cities Association of Santa Clara County
 505 West Olive Avenue, Suite 749
 Sunnyvale, CA 94086

May 26, 2011

City of Sunnyvale
 456 West Olive Avenue
 Sunnyvale, CA 94086

Dear Fellow City Council Members and City Manager Gary Luebbers:

In 2010, the Cities Association of Santa Clara County formed the Subcommittee on Medical Marijuana Dispensaries (MMDs) to address the increasing problems that our membership cities have experienced as a result of MMDs operating within our jurisdictions. As you know, due to a ban of MMDs in nearly all of our membership jurisdictions, cities in Santa Clara County have been experiencing litigation, unwarranted costs, and regulatory burdens at a time when cities are experiencing the most severe budgetary shortfalls in decades. It is evident that the State of California and the Federal Government of the United States of American have failed to create a consistent, sensible approach to regulate medicinal marijuana. They have created, both by acting and failing to act, a system in which the burden of regulating a single drug, medicinal marijuana, falls upon local governments lacking the resources to adequately do so.

Per the recommendation of the Subcommittee on Medical Marijuana Dispensaries, the Cities Association Board of Directors unanimously passed a motion to support the attached resolution calling for consistent federal and state regulation of medicinal marijuana, including re-classifying the drug within the schedules set forth in § 812 of the federal Controlled Substances Act. The resolution calls for the Federal Government to regulate marijuana, just as it regulates other drugs that have medicinal purpose, through licensed, regulated pharmacies, if distribution should occur at all within the State of California.

As you know, the Cities Association of Santa Clara County strives to enhance the quality of life for people of our county. As President and on behalf of the Cities Association Board of Directors, I request the City of Sunnyvale and representing Council consider supporting the attached resolution, within the next 60 days, and join the Cities Association of Santa Clara County and other local entities to create a unified voice in face of the challenge that MMDs have placed on our jurisdictions.

If you have any questions, please contact Cities Association Executive Director Raania Mohsen. We look forward to working with you to ensure positive action and enhancement of the quality of life for the people of our county.

Thank you for your consideration.

Sincerely,

Melinda Hamilton
 President, Cities Association of Santa Clara County
 Mayor, City of Sunnyvale

CC: Council Member Sam Liccardo, City of San Jose, Member, Cities Association Subcommittee on MMDs
 Mayor Joe Pirzynski, Town of Los Gatos, Member, Cities Association Subcommittee on MMDs
 Council Member Kris Wang, City of Cupertino, Member, Cities Association Subcommittee on MMDs

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CALLING FOR CONSISTENT FEDERAL AND STATE REGULATION OF MEDICAL MARIJUANA, INCLUDING RECLASSIFYING THE DRUG WITHIN THE SCHEDULES SET FORTH IN §812 OF THE FEDERAL CONTROLLED SUBSTANCE ACT

WHEREAS, the State of California and the federal government of the United States of America has failed to create a consistent, sensible approach to regulation of medicinal marijuana;

WHEREAS, The U.S. Food and Drug Administration currently regulates the safety, efficacy, and dosage of virtually every drug having a medicinal use, and thereby allows many of those drugs to be distributed through licensed and regulated pharmacies;

WHEREAS, the federal government and State of California have created, both by acting and failing to act, a system in which the burden of regulating a single drug, medicinal marijuana, falls upon local governments lacking the resources to adequately do so;

WHEREAS, the failure of local governments to allow the operation of cannabis collectives and cooperatives may subject cities and counties to litigation from those clubs;

WHEREAS, the consequence of this inconsistent scheme of regulation places costs and regulatory burdens on cities such as the City of Sunnyvale, precisely at a time when the City of Sunnyvale confronts its most severe budgetary shortfalls in decades;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

The City of Sunnyvale joins with the Santa Clara County Cities Association and other local entities calling for:

- consistent federal and state regulation of medicinal marijuana, including reclassifying the drug within the schedules set forth in § 812 of the federal Controlled Substances Act,
- regulatory approach that ensures that the FDA regulates marijuana just as it regulates other drugs purporting to have a medical purpose, and
- distribution of medicinal marijuana through licensed, regulated pharmacies, if distribution should occur at all within the State of California.

ADOPTED by the City Council at a regular meeting held on _____, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney