



Office of the City Attorney

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SAN DIEGO  
COUNTY GRAND JURY

August 16, 2010

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The Honorable Kevin A. Enright  
Presiding Judge  
San Diego County Superior Court  
220 West Broadway, Dept. P  
San Diego, CA 92101

Re: City of Chula Vista Response To May 28, 2010 Grand Jury Report  
"Medical Marijuana in San Diego."

Dear Judge Enright:

This letter responds on behalf of the Mayor and City Council of the City of Chula Vista (hereinafter referred to as "City") as requested by the 2009/2010 San Diego County Grand Jury with regard to the above report.

The City responds to each specific recommendation as follows:

Recommendation No. 10-120 "Enact an ordinance to establish a cost neutral program for the licensing, regulation and monitoring of medical marijuana collectives and cooperatives, and establish a limit on the number of such facilitates."

Response: City staff is currently studying and analyzing the issue and will present the Mayor and City Council with a presentation at a duly-noticed public hearing within sixty (60) days of the date of this letter which will address the following issues: 1) what public safety impact may result from an ordinance permitting storefront dispensaries; 2) other municipal ordinances regulating cooperatives; 3) what City zones cooperatives are best suited for; 4) how permits would be processed for cooperatives; 5) what the associated staff costs are for processing cooperative permits such that the permit process would be cost-neutral; 6) how cooperatives would be monitored; 7) what other requirements (i.e. record keeping, security guard, cameras, linear footage restrictions from schools, etc.) should be contained in a regulatory ordinance; and 8) a summary of the State of California 4<sup>th</sup> Appellate Court District decision in the City of Anaheim case addressing Anaheim's ban on cooperatives.

If the City Council authorizes an ordinance it may include a maximum amount on the number of cooperatives.

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Recommendation No. 10-121 "Adopt regulations which would allow for the closure of all unlicensed 'dispensaries.'"

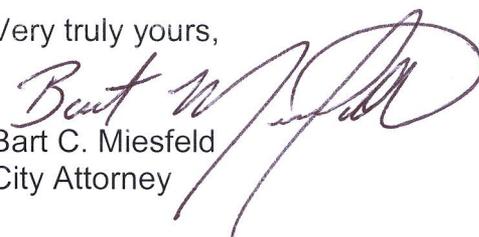
Response: Any City regulatory ordinance would also contain provisions prohibiting unlicensed "dispensaries" and allowing closure of all unlicensed "dispensaries" at the time of enactment.

Recommendation No. 10-122 "Upon enactment of such an ordinance, rescind the current moratorium on the opening of medical marijuana collectives and cooperatives."

Response: The current moratorium would be rescinded upon enactment of a regulatory ordinance.

Should you have any questions or concerns with regard to this letter please do not hesitate to contact me.

Very truly yours,

  
Bart C. Miesfeld  
City Attorney

CCH:  
cc: Mayor and City Council