

KODIAK CITY COUNCIL

WORK SESSION AGENDA

Monday, February 29, 2016
Borough Assembly Chambers
7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1. Public Comments (limited to 3 minutes)
2. Marijuana Legislation1

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**State of Alaska - 2014 General Election
November 4, 2014
Official Results**

Date: 11/24/14
Time: 13:20:34
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	Ballot Measure 2 - 13PSUM			Ballot Measure 3 - 13MINW				
	Reg. Voters	Total Votes	YES	NO	Reg. Voters	Total Votes	YES	NO
Jurisdiction Wide								
32-800 Chiniak	134	33	22	11	134	34	25	9
32-805 Cordova	1825	695	445	250	1825	704	576	128
32-810 Flats	1717	369	220	149	1717	370	261	109
32-815 Kodiak Island South	202	25	21	4	202	25	21	4
32-820 Kodiak No. 1	1757	641	334	307	1757	649	500	149
32-825 Kodiak No. 2	1711	590	305	285	1711	599	499	100
32-830 Mission Road	3168	1329	676	653	3168	1336	978	358
32-835 Old Harbor	133	62	41	21	133	61	57	4
32-840 Ouzinkie	134	64	54	10	134	64	57	7
32-845 Port Lions	198	65	24	41	198	65	53	12
32-847 Seldovia/Kachemak Bay	439	162	101	61	439	163	124	39
32-850 Tatitlek	117	18	14	4	117	18	18	0
32-855 Tyonek	333	44	28	16	333	45	38	7
32-860 Yakutat	475	259	181	78	475	258	210	48
District 32 - Absentee	0	1445	870	575	0	1441	1086	355
District 32 - Question	0	259	170	89	0	257	202	55
District 32 - Early Voting	0	47	33	14	0	47	37	10
Total	12343	6107	3539	2568	12343	6136	4742	1394

“LEGAL-NESS” OF MARIJUANA UNDER ALASKA STATE LAW

Activity	Before Ballot Measure 2	After Ballot Measure 2
Public Consumption	Illegal <i>- Penalty: B Misdemeanor</i>	Illegal <i>- Penalty: Noncriminal violation; Max \$100 fine</i>
DUI- Marijuana	Illegal	Illegal
Simple Possession – Up to One Ounce (Non-Plant)	Illegal	Legal for adults over the age of 21
Simple Possession – More than One Ounces	Illegal <i>-Adults over 18 may possess up to four ounces of marijuana in the privacy of the home for personal use under Ravin v. State.</i>	Illegal <i>*Adults over 21 may possess all of the marijuana produced by lawfully-possessed marijuana plants on the premises where the plants were grown.</i>
Simple Possession – More than Four Ounces	Illegal	Illegal
Simple Possession – Up to Six Plants	Illegal <i>*The Alaska Medical Marijuana Law permits registered users to possess up to six marijuana plants (three of which may be flowering).</i>	Legal <i>-Only three plants may be flowering at any time</i>
Simple Possession – 25 or More Plants	Illegal	Illegal
Manufacture, Delivery, Possession with Intent to Manufacture or Deliver <i>[Excluding marijuana establishments licensed under AS 17.38]</i> Any amount	Illegal	Illegal <i>*Adults over 21 may transfer up to 1 ounce of marijuana (and up to six plants) to another person over 21 without remuneration. AS 17.38.020(c)</i>
Personal Home Grow	Legal	Legal <i>*BM2 and the Alaska Medical Marijuana Law permit possession of up to six marijuana plants (three of which may be flowering)</i> <i>*Failure to comply with the statutory requirements for personal grow operations is punishable by a fine of up to \$750.</i>

EIGHT IS ENOUGH?

The United States Department of Justice, Office of Deputy Attorney General, has identified eight priorities that every municipality should adopt when regulating marijuana. These eight priorities are:

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
5. PREVENTING VIOLENCE AND THE USE OF FIREARMS IN THE CULTIVATION AND DISTRIBUTION OF MARIJUANA
6. PREVENTING DRUGGED DRIVING AND THE EXACERBATION OF OTHER ADVERSE PUBLIC HEALTH CONSEQUENCES ASSOCIATED WITH MARIJUANA USE
7. PREVENTING THE GROWING OF MARIJUANA ON PUBLIC LANDS AND THE ATTENDANT PUBLIC SAFETY AND ENVIRONMENTAL DANGERS POSED BY MARIJUANA PRODUCTION ON PUBLIC LANDS
8. PREVENTING MARIJUANA POSSESSION OR USE ON FEDERAL PROPERTY

CITY OF KODIAK
ORDINANCE NUMBER _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KODIAK, ALASKA
AMENDING KODIAK MUNICIPAL CODE TITLE 7 ENTITLED “HEALTH AND
SANITATION” TO ADOPT CHAPTER 7.40 ENTITLED “MARIJUANA
REGULATION,” AND DESIGNATING THE KODIAK CITY COUNCIL AS THE
CITY’S LOCAL REGULATORY AUTHORITY ON MARIJUANA**

WHEREAS, the voters of Alaska approved Ballot Measure 2 on November 4, 2014; and

WHEREAS, Ballot Measure 2 provided for general legalization of marijuana and adopted a new chapter in the Alaska Statutes, which has been codified at Alaska Statute 17.38; and

WHEREAS, Alaska Statute 17.38.100(c) provides for the transfer of a portion of license application fees to the “local regulatory authority” in a municipality and thus it is in the City’s best interest to establish a “local regulatory authority” to ensure collection of any available fees; and

WHEREAS, the Kodiak City Council is hereby designated the “local regulatory authority” pursuant to Alaska Statute 17.38.100(c).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: Section 7.40.010 Health and Sanitation, of the Kodiak City Code, is hereby amended to add a chapter designating the Kodiak City Council as the City’s local regulatory authority on marijuana as that term is used in Alaska Statutes Chapter 17.38 and any implementing legislation or rule-making.

Section 2: This ordinance shall be effective one month following final passage and publication in accordance with Kodiak Charter article II section 13.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:

Second Reading:

Effective Date:

CITY OF KODIAK

ORDINANCE NUMBER _____

AN ORDINANCE OF THE KODIAK CITY COUNCIL AMENDING KODIAK MUNICIPAL CODE TITLE 8 ENTITLED “PUBLIC PEACE, SAFETY, AND MORALS” TO ADOPT KODIAK CITY CODE 8.40, “PROHIBITED ACTS REGARDING MARIJUANA,” TO PROHIBIT THE EXTRACTION OF TETRAHYDROCANNABINOL ("THC") OR ANY CANNABINOID BY USE OF MATERIALS OR METHODS DEEMED DANGEROUS TO PUBLIC HEALTH AND SAFETY, UNLESS OTHERWISE PERMITTED BY LAW.

WHEREAS, in 2014, Alaska voters approved a ballot measure legalizing personal recreational marijuana use and possession of marijuana and marijuana paraphernalia; and

WHEREAS, other jurisdictions that have legalized marijuana have experienced an increase in fires and explosions related to certain methods of manufacturing marijuana products, including the use of highly flammable materials and methods to extract THC oil from the marijuana plant, resulting in significant personal injury, death and property damage; and

WHEREAS, it is in the interest of the City of Kodiak and its residents to protect the public health and safety against known and unreasonable risks of certain manufacturing processes of a legalized marijuana industry.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: Kodiak City Code 8.40.010, “Certain manufacturing processes prohibited,” is adopted to read as follows:

(a) It shall be unlawful for any person to: Manufacture a marijuana concentrate, hashish, or hash oil by use of solvents containing compressed flammable gases or through use of a solvent-based extraction method using a substance other than vegetable glycerin, unless the person is validly licensed and permitted in accordance with statute, regulation, or ordinance.

(b) Definitions. For purposes of this section.

1. "manufacture" means the preparation, compounding, conversion, or processing of marijuana, hashish, or hash oil, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the marijuana, hashish, or hash oil, or labeling or relabeling of its container. It includes the organizing or supervising of

the manufacturing process. It does not include the legally authorized planting, growing, cultivating, or harvesting of a plant.

2. "marijuana concentrate" means any product which, through manufacture, contains tetrahydrocannabinol (THC). Common names and types of product include "shatter", butane or CO2 hash oil, "ring pots", butter, hash, hashish, keif, oil, or wax.

(c) Seizure. Any marijuana as defined in AS 17.38.900, equipment, material, product, package or container possessed, used or intended to be used, or produced in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required, including in accordance with chapter 18.30 of this code.

Section 2: This ordinance shall be effective upon the date that is one month after its final passage and publication in accordance with Kodiak Charter Section 2-13.

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading:
Second Reading:
Effective Date: