



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Councilmember Donald Rocha

**SUBJECT:** MEDICAL MARIJUANA  
COLLECTIVES

**DATE:** September 12, 2012

Approved

*Don Rocha*

Date

*9/12/12*

## RECOMMENDATION

That the Rules Committee direct staff to do the following:

1. Along with the recommended referral in the memo from Councilmembers Liccardo, Herrera and Oliverio, include the following proposal in the Council prioritization process:

*Direct staff to bring forward other enforcement options to address the proliferation of medical marijuana establishments. As an example, one such option could be a plan to prioritize enforcement against establishments opened after a certain date.*

2. Prepare a preliminary assessment of proposals to enforce against marijuana collectives prior to the October 9 meeting on workload prioritization. Such an assessment should include the following:
  - a. A description of the staff work, resources and Council action necessary to begin enforcing against medical marijuana collectives that do not pay owed taxes, as recommended in the memo from Councilmembers Liccardo, Herrera and Oliverio;
  - b. A description of the staff work, resources and Council action necessary to bring forward other enforcement proposals, as recommended above.

## ANALYSIS

The City of San Jose has grappled with the proliferation of Medical Marijuana collectives for the last several years, and yet we have been unable to reach a workable solution. I feel a sense of urgency to address this issue based on the significant public safety and quality of life concerns that I've heard from residents. I appreciate my colleagues' bringing attention to this matter with their memorandum regarding unpaid MBT taxes. In addition to their proposal, I believe we should ask staff to bring forward other possible enforcement measures. Based on my conversations with staff, I believe that one such measure we should consider is a strategy to prioritize enforcement against establishments opened after a certain date.

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I also recommend that the Rules Committee direct staff to prepare a preliminary assessment of our various enforcement options in advance of the workload prioritization meeting where we will make decisions on which to pursue. I believe we need a basic understanding of the staff work, Council action, and resources needed to pursue the various proposals. Part of my interest here is to gain an understanding of why we haven't been successful at pursuing more aggressive enforcement heretofore, and identify any obstacles that need to be overcome.

I recognize that any enforcement measure relies on our ability to commit City resources to the effort. I believe that this issue is a significant challenge to quality of life and public safety in San Jose, and that if there are resource needs for enforcement, the Council should take responsibility for figuring out how to meet them now before it's too late.