

**NOTICE OF MEETING
SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. AGENDA APPROVAL**
- 3. PUBLIC COMMENT UPON MATTERS ALREADY ON THE AGENDA** *(The Public may comment on any item on the agenda with the exception of items shown under Public Hearings. The standard time limit is 3 minutes.)*
- 4. VISITORS/PRESENTATIONS** *(20 Minutes Scheduled for Presentation and Q & A)*
- 5. ADOPTION OF CONSENT AGENDA** *(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda under Pending Business at the request of Commissioner. No motion is required.)*
 - A. Meeting Minutes from the August 24, 2017 Regular Meeting **Page 3**
- 6. REPORTS – State, Borough, Council, Staff**
- 7. PENDING BUSINESS**
- 8. NEW BUSINESS**
 - A. Recommendation to Amend the Commission Bylaws to Change Commission Name, Membership and Meeting Schedule **Page 9**
 1. Draft Amended Bylaws 102617 **Page 11**
 - B. Recommendation to Amend Homer City Code Title 2.78 to Reflect Changes to Membership, Name and Proceedings of the Commission **Page 17**
 1. Draft Ordinance 17-XX **Page 19**
 - C. 2018 Regular Meeting Schedule **Page 23**
 1. Draft Resolution 17-XXX **Page 25**
- 9. INFORMATIONAL MATERIALS**
 - A. 2017/2018 Commission Attendance at Council Meetings **Page 29**
 - B. Letter to AMCO from City Council re: Onsite Consumption dated October 13, 2017 **Page 31**
- 10. COMMENTS OF THE AUDIENCE**
- 11. COMMENTS OF THE STAFF**
- 12. COMMENTS OF THE COMMISSION**
- 13. ADJOURNMENT THE NEXT REGULAR MEETING IS THURSDAY, DECEMBER 14, 2017** at 5:30pm in the **COWLES COUNCIL CHAMBERS** located at City Hall 491 E. Pioneer Avenue, Homer Alaska

Session 17-03, a Regular Meeting of the Cannabis Advisory Commission was called to order by Chair Don Stead at 5:30 p.m. on August 24, 2017 in the Cowles Council Chambers located at City Hall 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HARRIS, LEWIS, ROBL, STEAD, CRANE

ABSENT: COMMISSIONERS REYNOLDS (EXCUSED), COMMISSIONERS GAROUTTE & GAROUTTE

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF AGENDA

Chair Stead requested a motion to approve the agenda.

LEWIS/ROBL – MOVED THE AMEND THE AGENDA TO INCLUDE THE FOLLOWING INFORMATIONAL MATERIALS, ITEM D, REGULATION PROJECTS, ONSITE CONSUMPTION, QUALITY CONTROL, WASTE DISPOSAL, LOCAL GOVERNMENT JURISDICTION, TIMING OF PUBLIC OBJECTIONS, NOTIFICATION OF CRIME ON PREMISES (UNAUTHORIZED ACCESS), ADVERTISEMENT, KIEF AND TESTING TRIM FOR COMMENT AND RECOMMENDATION UNDER NEW BUSINESS.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

VISITORS/PRESENTATIONS

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Meeting Minutes for the April 27, 2017 Regular Meeting

Chair Stead called for adoption of the Consent agenda containing the minutes from the April 27, 2017 regular meeting.

LEWIS/ROBL – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REPORTS

PUBLIC HEARINGS

PENDING BUSINESS

NEW BUSINESS

A. Welcome New Commissioners

Commissioner Grant Garoutte was not present.

B. Cannabis on the Spit – Recommendation to Council to Amend the Regulations to allow Cannabis Operations on the Spit

City Planner Abboud briefly clarified that the memorandum in the packet was referring to city owned land when saying that the city would not approve cannabis related businesses and that was advice received from the City Attorney. Private owners are allowed.

Additional discussion on the lack of support from the current City Council a recommendation to reconsider zoning for cannabis on the spit might receive and the responsibility and job of this commission ensued.

HARRIS/LEWIS - MOVED TO FORWARD A RECOMMENDATION IN SUPPORT OF CANNABIS BUSINESSES ON THE SPIT AND THAT CITY COUNCIL REVIEW HOMER CITY CODE TOWARDS THAT GOAL.

Discussion ensued on reasons for prohibiting businesses on the spit, it is not the City's responsibility to govern how, when or what the public does with the merchandise as long as it was purchased legally; it was noted that the US Coast Guard still enforces the regulations against marijuana on vessels and if there was a business in town a passenger could purchase it there and they would have no control over what happened after that it was further noted that there were private property owners on the spit that were interested but were unable to have commercial cannabis since it is not zoned.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Proposed Regulations Open for Comment as provided in the Supplemental Packet

a. Notice of Proposed Changes in the regulations of the Marijuana Control Board to Marijuana Plant Count, Testing of Marijuana and Reporting of testing Equipment Failure

There was no comment or recommendation from the Commission on these proposed regulations.

b. Notice of Proposed Changes on Financial Interest in Marijuana Businesses and Restrictions on Advertising of Marijuana, Marijuana Products and Marijuana Businesses in the Regulations of the Marijuana Control Board

There was no comment or recommendation from the Commission on these proposed regulations.

c. Notice of Proposed Changes to the Regulations of the Marijuana Control Board regarding the addition of an Onsite Marijuana Consumption Endorsement to the Retail Marijuana License

ROBL/HARRIS – MOVED TO FORWARD A RECOMMENDATION TO COUNCIL OPPOSING ONSITE CONSUMPTION OF MARIJUANA BY SMOKING.

Commissioner Robl explained that he conducted extensive research speaking with industry professionals and currently there are no known filtration systems that prohibit or reduce the exposure risks of second hand smoke that would impact first responders. He further noted that in confined spaces and if smoking of a product is allowed it would create a situation that would more than likely impair officers to the degree that they would have to be relieved of duty making it necessary to bring back off duty staff creating more impacts to the budget. This is beside the fact that the impaired officer would not be allowed back on duty until he was totally cleared. He also cited the safety issues to first responders in impeding the ability to perform their jobs whether police or emergency personnel.

Further discussion ensued on the time requirement for an officer to be removed from active duty ensued, use of smokeless ashtrays, the density of the smoke and if vaping has the same effect.

HARRIS/LEWIS – MOVED TO INCLUDE IN THE MOTION THAT VAPING OF CANNABIS PRODUCTS WOULD BE ALLOWED ONSITE.

There was no discussion.

VOTE. (Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead inquired if there was any additional discussion on the motion as amended. Hearing none call for the vote.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

d. Notice of Proposed changes on Local Government Jurisdiction Notification and Public Objection Process in the regulations of the Marijuana Control Board

There was no comment or recommendation from the Commission on these proposed regulations.

e. Notice of Proposed changes on the Disposal of Marijuana Waste, Quality Control of Marijuana, and reporting Unauthorized Access to a Licensed Marijuana Facility in the regulations of the Marijuana Control Board

There was no comment or recommendation from the Commission on these proposed regulations.

INFORMATIONAL MATERIALS

A. 2017 Meeting Schedule and Packet Processing Deadlines

B. 2017 Commission Attendance at Council Meetings

C. Adopted Regulations in Final Process

D. Regulations Projects:

- Revocation of Handlers Permit and Transportation
- Onsite Consumption
- Advertising Requirements – Space Planning and Layout – Labeling and Packaging
- Quality Control
- Waste Disposal
- Plant Count for New Cultivars
- Direct or Indirect Financial Interest
- Local Government Authority
- Timing of Public Objections
- Notify AMCO of Crime on Licensed Premises
- Promotional Activities and Advertisement
- Kief and testing Trim

There was a brief discussion on what exactly “Kief” was; City Planner Abboud was unable to explain precisely and a member of the audience was able to provide clarification on the term for the commission at the behest of the commission.

- Recreation or Youth Center Definition
- Testing Equipment Failure Notification

E. Alaska Dispatch Articles Related to Cannabis

- Marijuana Tax Revenue Jumps to Over \$500,000 in June dated August 1, 2017
- Is the Marijuana Industry Actually making Money for Alaska? Dated August 11, 2017

F. Articles Submitted by Commissioner Request

- National Conference of State Legislatures Urges De-Scheduling of Marijuana, dated August 7, 2017
 - Banking and Financial Regulations of Marijuana Resolution (NCSL)
 - Georgia Lawmaker Delivers Cannabis Oil While Dodging Felony Charges, nbcnews.com, dated April 28, 2017
 - Recreational Cannabis – Minimizing the Health Risks from Legalization, New England Journal of Medicine, Perspective, dated February 23, 2017
 - Meet the Senators and Congressmen who Support Marijuana Legalization, The Washington Post, Workblog by Christopher Ingraham, dated September 29, 2016
 - Jamaican Study of Pregnant Mothers Shows that Marijuana Doesn’t Harm Newborns, by Jay Smoker, Janelle Stone, dated June 2, 2011, www.weedblog.com
- G. Resolution 2017-251(S), Anchorage, Alaska Supporting Onsite Consumption in Licensed Retail Establishments
- H. Cannabis Operations Initiated within City Limits
- I. Cannabis Operations under Review within City Limits
- J. Marijuana Shared Revenue Tracking as of July 25, 2017

COMMENTS OF THE AUDIENCE

COMMENTS OF STAFF

COMMENTS OF THE COMMISSION

Commissioners Robl, Harris, Stead and Crane had no comments.

Commissioner Lewis was not going to commented but at the urging of the Chair since this was his last meeting he commented it has been fun.

ADJOURN

There being no further business to come before the Commission, Chair Stead adjourned the meeting at 6:05 p.m. The next regular meeting is scheduled for THURSDAY, DECEMBER 14, 2017 at 5:30 p.m. in the City Hall Cowles Council Chambers located at 491 E Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____



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MEMORANDUM

TO: CANNABIS ADVISORY COMMISSION

FROM: RENEE KRAUSE, CMC, DEPUTY CITY CELRK

DATE: OCTOBER 17, 2017

SUBJECT: RECOMMENDATION TO AMEND THE COMMISSION BYLAWS TO CHANGE COMMISSION NAME, MEMBERSHIP AND MEETING SCHEDULE

It was brought to the attention of the Clerk's Office that when the meeting schedule for the commission was amended to quarterly meetings in 2016 the bylaws and city code were not updated.

It was also mentioned that it would create consistency to follow the State of Alaska guidelines and most if not all governmental entities in referencing cannabis as marijuana in all materials and regulations.

There was an earlier concern expressed of having Council members interested in the seats on the commission but since then we have had two express interest in those vacancies. I asked the City Clerk if this question of membership should still be put before the commission and she felt that it was still an appropriate question noting that a recommendation from the commission can still be submitted for council consideration. It was noted that this commission is the only standing body with Council members having a seat on the commission.

The proposed amendments to the commission bylaws must be brought forward at one meeting and Approved at a second meeting by motion. The commission is requested to review the proposed amendments and make a motion to have for final approval at the next meeting of the commission.

The city code revisions are under separate memorandum.

Recommendation

Move to recommend changes to the commission bylaws be on the next meeting agenda for approval.

**CANNABIS MARIJUANA ADVISORY COMMISSION
BYLAWS**

1 The ~~Cannabis~~ **Marijuana** Advisory Commission is established with those powers and duties as set
2 forth in Chapter 2, Section 78, of the Homer Municipal Code.

3 The Commission is established to act in an advisory capacity to the City Manager and the City Council
4 and shall serve as the local regulatory authority for purposes of AS 17.38 within the City.

5 The Commission's jurisdiction is limited to the area within the city boundaries except for those extra
6 territorial interests, such as trails and city properties, subject to city jurisdiction.

7
8 The ~~Cannabis~~ **Marijuana** Advisory Commission membership will consist of nine members; five
9 members of the public, two members may be residents from outside the city limits, and preference
10 shall be given to city resident applicants; ~~Two Council members~~, one member of the Homer Advisory
11 Planning Commission, who shall be nominated by the Mayor and confirmed by the Council, and the
12 Chief of Police.

13 Members will be appointed by the Mayor for three-year terms (except to complete terms) subject to
14 confirmation by the City Council.

15 There will be regular ~~monthly~~ **quarterly** meetings of the Commission and permanent records or
16 minutes shall be kept of the proceedings. The minutes will record the vote of each member upon
17 every question. Every decision shall be filed in the office of the City Clerk and shall be public record
18 open to inspection.

19
20 **HISTORY**

21 The By-laws were approved by the ~~Cannabis~~ **Marijuana** Advisory Commission on July 23, 2015 and by
22 the Homer City Council on August 10, 2015, and shall be in effect and govern the procedures of the
23 Commission. The duties and responsibilities of the Commission are:

24 A. Act in an advisory capacity to the City Manager and the City Council on regulatory issues in the
25 city. Consideration may include existing facilities, possible future developments and
26 recommendations on land use.

27 B. Consider any specific proposal, problem or project as directed by the City Council in regards
28 to ~~cannabis~~ **marijuana**.

29
30 **BY-LAWS**

31 A. To abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and
32 Homer Municipal Code.

33 B. To abide by Robert's Rules of Order, current edition, in so far as this treatise is consistent with
34 Homer Municipal Code.

35
36 **REGULAR MEETINGS**

37 1. The commission will meet **quarterly** on the fourth Thursday of the month **January, April,**
38 **and August** at 5:30 p.m., **and** ~~with the exception of November the commission will meet on the last~~

39 ~~Monday and~~ December the commission will meet on the third Thursday of the month **at 5:30 p.m.**
40 due to the holidays.

41 2. Items will be added to the agenda upon request of staff, the Commission or a
42 Commissioner. Agenda deadline is the Wednesday of the week preceding the meeting date at 12:00
43 p.m.

44 3. Removing items from the published agenda will be by consensus of the Commission. No items
45 may be added.

46 4. Commissioners will give the Clerk's Office or Chair a minimum of a two week notice or as soon
47 as possible regarding their potential absence from a meeting.

48

49 **COMMITTEES**

50 1. The commission shall submit a request for approval to City Council to form special
51 committees. Committee membership shall include at least two Commissioners. The commission will
52 submit in memorandum form to Council the reason for establishing a committee, the task(s) assigned
53 to the committee and the expected term for the committee plus a list of persons to be appointed to
54 the committee such as Council members, department personnel, or number of public in specific
55 sectors or with special experience preferred.

56 2. One committee member shall be appointed as Chair and work with the City Clerk's Office to
57 create the agenda and schedule of meetings so they may be advertised in accordance with Alaska
58 State Law and Homer City Code.

59 3. One committee member shall be appointed and responsible for furnishing summary notes of
60 all Committee meetings to the City Clerk's **office**.

61 4. Committees shall meet in accordance with Commission bylaws and Robert's Rules.

62 5. Committees will make a progress report at all commission meetings.

63 6. No committee shall have other than advisory powers.

64 7. Per Robert's Rules and the resolution creating the committee as established by City Council
65 upon giving final report the committee is disbanded.

66 8. All meetings are to be conducted in City Hall where they may be recorded.

67

68 **COMMISSION MEETING PUBLIC COMMENT/TESTIMONY AND AUDIENCE COMMENT TIME LIMITS**

69 1. The Chair shall note for the audience's benefit that there is a three minute time limit each
70 time there is a place in the agenda for public comment/testimony or audience comments.

71 2. Any individual wishing to address the Commission shall adhere to a three minute time limit. It
72 is the responsibility of the Chair to announce under Public Comments, public testimony on public
73 hearing items and Audience Comments that there is a 3 minute time limit.

74 3. Time limits may be adjusted by the 2 minutes up or down with the concurrence of the body in
75 special circumstances only such as agenda content and public attendance.

76

77 **SPECIAL MEETINGS**

- 78 1. Called by Chair or majority of the Commission only when required to complete time sensitive
79 business of the commission, at the request of **Staff**, City Administration or City Council.

80

81 **DUTIES AND POWERS OF THE OFFICERS**

- 82 1. A Chair and Vice-Chair shall be selected annually (May meeting) from among the appointed
83 members.
- 84 2. The Chair shall preside at all meetings of the Commission, call special meetings in accordance
85 with the by-laws, sign documents of the Commission, sees that all actions and notices are properly
86 taken, and summarize the findings of the Commission for the official record.
- 87 3. The Vice-Chair shall perform all duties and be subject to all responsibilities of the Chair in
88 his/her absence, disability or disqualification of office.
- 89 4. The Vice-Chair will succeed the Chair if he/she vacates the office before the term is completed,
90 to complete the unexpired term. A new Vice-Chair shall be elected at the next regular meeting.

91

92 **MOTIONS TO RECONSIDER**

- 93 1. Notice of reconsideration shall be given to the Chair, Vice-Chair, if the Chair is unavailable, or
94 the Clerk's Office within forty-eight hours from the time the original action was taken.
- 95 2. A member of Commission who voted on the prevailing side on any issue may move to
96 reconsider the Commission's action at the same meeting or at the next regular meeting of the body
97 provided the above 48-hour notice has been given.
- 98 3. Consideration is only for the original motion to which it applies.

99

100 **CONFLICT OF INTEREST**

- 101 1. A member or the Commission shall disqualify himself/herself from participating in any official
102 action in which he/she has a substantial financial interest.
- 103 2. Should the Commission member not move to disqualify himself/herself after it has been
104 established that he/she has a substantial financial interest, the Commission may move to disqualify
105 that member by a majority vote of the body.

106

107 **QUORUM; VOTING**

- 108 1. ~~Five~~ **Four** Commission members shall constitute a quorum.
- 109 2. ~~Five affirmative~~ **Majority votes of those present** votes are required for the passage of a
110 resolution or motion.
- 111 3. Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or
112 motion is a recorded roll call vote.
- 113 4. The City Manager and Mayor shall serve as consulting members of the Commission but shall
114 have no vote.

115

116 **CONSENSUS**

117 1. The Commission may, from time to time, express its opinion or preference concerning a
118 subject brought before it for consideration. Said statement, representing the will of the body and
119 meeting of the minds of the members, may be given by the presiding officer as the consensus of the
120 body as to that subject without taking a motion and roll call vote.

121

122 **ABSTENTIONS**

123 1. All Commission members present shall vote unless the Commission, for special reasons,
124 permits a member to abstain.

125 2. A motion to excuse a member from voting shall be made prior to the call for the question to be
126 voted upon.

127 3. A member of the Commission requesting to be excused from voting may make a brief, oral
128 statement of the reasons for the request and the question of granting permission to abstain shall be
129 taken without further debate.

130 4. A member may not explain a vote, may not discuss the question while the roll call vote is
131 being taken and may not change his/her vote thereafter.

132

133 **VACANCIES**

134 1. A Commission appointment is vacated under the following conditions and upon the
135 declaration of vacancy by the Commission.

136 2. The Commission shall declare a vacancy when the person appointed:

137 A. Fails to qualify to take office within 30 days after his/her appointment;

138 B. Resigns and the resignation is accepted;

139 C. Is physically or mentally unable to perform the duties of his/her office;

140 D. Misses three consecutive regular meetings unless excused; or

141 E. Is convicted of a felony or of an offense involving a violation of his/her oath of office.

142

143 **GENERAL ORDER OF BUSINESS**

144

145	NAME OF BODY	DATE OF MEETING
146	PHYSICAL LOCATION OF MEETING	DAY OF WEEK AND TIME OF MEETING HOMER, ALASKA
147		MEETING ROOM

148 NOTICE OF MEETING
149 REGULAR MEETING AGENDA

- 150 1. CALL TO ORDER
151 2. APPROVAL OF AGENDA
152 3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
153 4. RECONSIDERATION
154 5. APPROVAL OF MINUTES or CONSENT AGENDA.

- 155 6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the
156 visitor or the visitor's topic until audience comments.) No action may be taken at this time.
157 7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit
158 not to exceed 5 minutes.)
159 8. PUBLIC HEARING (3 MINUTE TIME LIMITS)
160 9. PENDING BUSINESS
161 10. NEW BUSINESS
162 11. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE
163 DISCUSSED ONLY).
164 12. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
165 13. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
166 14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
167 15. COMMENTS OF THECHAIR
168 16. COMMENTS OF THE COMMISSION
169 17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR note any worksessions,
170 special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall
171 Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

172

173 **PROCEDURE FOR CONSIDERATION OF AGENDA ITEMS**

174 The following procedure will normally be observed pursuant to Robert's Rules:

- 175 1. A motion is made to discuss the item OR to approve the staff recommendation. The item may
176 then be discussed, amended or voted on.
177 2. If there are questions of staff or an appropriate audience member, a Commissioner may
178 request permission from the Chair to ask the question. The Chair, upon consensus approval, may
179 grant the request.

180

181 **BYLAWS AMENDED**

182 The bylaws may be amended at any meeting of the Commission by a majority plus one vote of the
183 members, provided that notice of said proposed amendment is given to each member in writing. The
184 proposed amendment shall be introduced at one meeting and action shall be taken at the next
185 commission meeting.

186

187 **TELECONFERENCE MEETINGS**

- 188 1. The preferred procedure for Commission meeting is that all members be physically present at
189 the designated time and location within the City for the meeting. However, physical presence may be
190 waived by the Chair or Commission and a member may participate in a meeting by Teleconference
191 when it is not essential to the effective participation or the conduct of business at the meeting.

192 A Commission member participating by teleconference shall be deemed to be present at the meeting
193 for all purposes. In the event the Chair participates telephonically, the Vice-Chair shall run the
194 meeting.

195

196 2. Teleconference procedures.

197 A. A Commission member who cannot be physically present for a regularly scheduled
198 meeting shall notify the City Clerk's Office at least five days prior to the scheduled time for the
199 meeting of his/her intent to appear by telephonic means of communication.

200 B. The Clerk shall notify the Commission members three days prior to the scheduled
201 time for the Commission meeting of Commission members intending to appear by teleconference.

202 C. The means used to facilitate a teleconference meeting of the Commission must
203 enable each Commission member appearing telephonically to clearly hear all other Commission
204 members and members of the public attending the meeting as well as be clearly heard by all other
205 Commission members and members of the public.

206 D. The Clerk shall note in the attendance record all Commission members appearing
207 telephonically.

208

209 **LEGISLATIVE HISTORY**

210 Cannabis Advisory Commission established by Ordinance 15-07(A)(S)(A)

211 **Amendments to the membership, proceedings of the commission and references to "cannabis"**
212 **changed to "marijuana" by Ordinance 17-XX**



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MEMORANDUM

TO: CANNABIS ADVISORY COMMISSION

FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: OCTOBER 17, 2017

SUBJECT: RECOMMENDATION TO AMEND HOMER CITY CODE TITLE 2.78 TO REFLECT
CHANGES TO MEMBERSHIP, NAME AND PROCEEDINGS OF THE COMMISSION

As the commission is aware from the requested changes to the commission bylaws these changes are also required in Homer City Code Title 2.78, Cannabis Advisory Commission.

I have provided a draft ordinance on what these changes would look like for the Commission review. The commission can discuss recommended changes further if desired.

Upon approval from the commission this will then be forwarded to City Council for final approval. Since the changes require an ordinance City Council will introduce the ordinance at one meeting and finalize and approve at the next meeting, expected council dates are November 27, 2017 and December 11, 2017. It is suggested that a commissioner attend those meetings to answer any questions and support the commission's recommendations.

Recommendation

Move to recommend Homer City Code Title 2.78 Cannabis Advisory Commission be amended to reflect quarterly commission meetings, reduced membership and that all references to cannabis be changed to marijuana to be consistent with the State of Alaska.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3
4 City Clerk/
5 Cannabis Advisory Commission
6

7 **ORDINANCE 17-xx**
8

9 A ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
10 AMENDING TITLE 2.78, CANNABIS ADVISORY COMMISSION TO
11 MODIFY REFERENCES OF CANNABIS TO THE COMMON NAME OF
12 MARIJUANA WHERE FOUND AND AMENDING THE MONTHLY
13 MEETING OBLIGATION TO A QUARTERLY MEETING SCHEDULE.
14

15
16 WHEREAS, Government entities, industry and the public generally refer to and know
17 cannabis as marijuana; and
18

19 WHEREAS, Referencing and using the common name, Marijuana, in local regulations,
20 correspondence and materials is consistent with Alaska Statutes, and will follow established
21 industry guidelines, allow uniformity and simplicity; and
22

23 WHEREAS, Regulations have been established by the State of Alaska, and items for the
24 commission to address and/or respond to are minimal and at this time the commission has
25 not implemented additional regulations within the city, thus retaining the necessity to meet
26 on a monthly schedule is not required; and
27

28 WHEREAS, Amending the meeting requirement to quarterly will not preclude additional
29 meetings such as emergency meetings, special meetings, worksessions and the like to take
30 action on items directed to the Commission from City Council or other sources.
31

32 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
33

34
35 Section 1. Title 2.78 is amended to read as follows:
36

37 2. 78.010 Commission - Creation and membership.

38 a. There is created the City of Homer ~~Cannabis~~ **Marijuana** Advisory Commission, referred to in
39 this chapter as the commission. The commission shall serve as the Local Regulatory Authority
40 for purposes of AS 17.38.

41 b. The commission consists of nine members, as follows:

- 42 1. Five public members, at least three of whom shall be city residents, who shall be
43 nominated by the Mayor and confirmed by the Council.
44 2. Two Council Members and one member of the Homer Advisory Planning Commission,
45 who shall be nominated by the Mayor and confirmed by the Council.
46 3. The Chief of Police.

47
48 2.78.030 Proceedings of the Commission.

49 The Commission shall meet ~~regularly once a month~~ **quarterly** for no more than two hours, and
50 at the call of the Chairman. Permanent records or minutes shall be kept of the vote of each
51 member upon every question. Every decision of finding shall immediately be filed in the office
52 of the City Clerk, and shall be a public record open to inspection by any person. Every decision
53 of finding shall be directed to the City Council at the earliest possible date.

54
55 2.78.040 Duties and responsibilities of the Commission.

56 It shall be the duty of the Commission to act in an advisory capacity to the City Manager
57 and the City Council on the regulation of ~~cannabis~~ **marijuana** and operation of ~~cannabis~~
58 **marijuana** facilities within the borders of the City of Homer. Further duties shall include but
59 not be limited to:

- 60 a. Draft recommended laws and policies regulating ~~cannabis~~ **marijuana** and related facilities
61 within the City of Homer.
62 b. Provide information to the public regarding the regulation of ~~cannabis~~ **marijuana** within the
63 City and develop programs and/or materials to educate the public regarding actions and
64 regulations of ~~cannabis~~ **marijuana** in the City.
65 c. Supervise and monitor the implementation of laws and policies governing ~~cannabis~~
66 **marijuana** in the City.
67 d. Analyze the economic impact of ~~cannabis~~ **marijuana** regulation in the City.

68
69 Section 2. This ordinance shall take effect upon its adoption.

70
71 Section 3. This ordinance is of a permanent and general character and shall be included
72 in the City Code.

73
74
75

76 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ___ day of _____, 2017.

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CITY OF HOMER

BRYAN ZAK, MAYOR

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

Introduction:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Holly Wells, Attorney



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-3130

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Memorandum

TO: ADVISORY BODIES
FROM: MELISSA JACOBSEN, CITY CLERK
DATE: OCTOBER 2, 2017
SUBJECT: MEETING SCHEDULE FOR 2018

Please review the draft resolution that establishes your meetings for 2018. If you have any changes please submit them to me by December 5th.

Council will be setting the 2018 meeting schedule for Council and Advisory Bodies with the adoption of the resolution at their December 11, 2017 meeting.

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

City Clerk

3
4 **RESOLUTION 17-xxx**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ESTABLISHING THE 2018 REGULAR MEETING SCHEDULE FOR THE
8 CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY
9 COMMISSION, LIBRARY ADVISORY BOARD, PARKS ART
10 RECREATION AND CULTURE ADVISORY COMMISSION, ADVISORY
11 PLANNING COMMISSION, PORT AND HARBOR ADVISORY
12 COMMISSION, AND CANNABIS ADVISORY COMMISSION.
13

14 WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually sets
15 the schedule for regular and some special meetings, noting the dates, times and places of the
16 City Council, Advisory Commissions, and the Library Advisory Board meetings; and
17

18 WHEREAS, The public is informed of such meetings through notices located at the City
19 Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Website, and postings at the Public
20 Library; and
21

22 WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper
23 of general circulation at least three days before the date of the meeting and that special
24 meetings should be advertised in the same manner or may be broadcast by local radio at least
25 twice a day for three consecutive days or two consecutive days before the day of the meeting
26 plus the day of the meeting; and
27

28 WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council
29 and all commissions, boards, committees, subcommittees, task forces and any sub-unit of the
30 foregoing public bodies of the City, whether meeting in a formal or informal meeting; that the
31 failure to give the notice provided for under this chapter does not invalidate or otherwise affect
32 any action or decision of a public body of the City; however, this sentence does not change the
33 consequences of failing to give the minimum notice required under State Statute; that notice
34 will ordinarily be given by the City Clerk; and that the presiding officer or the person or persons
35 calling a meeting are responsible for notifying the City Clerk of meetings in sufficient time for
36 the Clerk to publish notice in a newspaper of general circulation in the City; and
37

38 WHEREAS, This Resolution does not preclude additional meetings such as emergency
39 meetings, special meetings, worksessions, and the like; and
40

41 WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the
42 Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

43
 44 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2018 meeting
 45 schedule is established for the City Council, Economic Development Advisory Commission,
 46 Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Advisory
 47 Planning Commission, Port and Harbor Advisory Commission and Cannabis Advisory
 48 Commission of the City of Homer, Alaska, as follows:

49
 50 Holidays - City Offices closed:

January 1, New Year's Day, Monday	February 19, Presidents' Day, the third Monday	March 26, Seward's Day, last Monday	May 28, Memorial Day, last Monday	July 4, Independence Day, Wednesday	September 3, Labor Day, first Monday
October 18*, Alaska Day, Thursday	November 12**, Veterans Day, Monday	November 22 Thanksgiving Day, Thursday	November 23, Friday, the day after Thanksgiving	December 25, Christmas, Tuesday	

51
 52 **If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the
 53 preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel Rules
 54 and Regulations.

55
 56 CITY COUNCIL (CC)

January 8, 22	February 12, 26	March 12, 27*	April 9, 23	May 14, 29*	June 11, 25
July 23**	August 13, 27	September 10, 24	October 2 Election	October 8, 22 Oath of Office October 8	Canvass Board October 5 or 8
November 6 Runoff Election	November 26**	December 10****	December 17**** if needed		

57
 58 City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50 p.m.
 59 prior to every Regular Meeting which are held the second and fourth Monday of each month at
 60 6:00 p.m. Council will not conduct a First Regular Meeting in July or November.

61 AML Annual Conference Week is tentatively scheduled for November 12 – 16, 2018.

62 *Tuesday meeting due to Seward's Day/Memorial Day/Alaska Day.

63 **There will be no First Regular Meeting in July or November.

64 ***The City Council traditionally reschedules regular meetings that fall on holidays or High
 65 School Graduation days, for the following Tuesday.

66 **** The City Council traditionally cancels the last regular meeting in December and holds the
 67 first regular meeting and one to two Special Meetings as needed. Generally the second Special
 68 Meeting the third week of December, will not be held.

69

70 ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 9	February 13	March 13	April 10	May 8	June 12
July 10	August 14	September 11	October 9	November 13	December 11

71

72 Economic Development Advisory Commission Regular Meetings are held on the second
 73 Tuesday of each Month at 6:00 p.m.

74

75 LIBRARY ADVISORY BOARD (LAB)

February 6	March 6	April 3	May 1	August 7
		October 2	November 6	December 4

76

77 Library Advisory Board Regular Meetings are held on the first Tuesday of the months of
 78 February, March, April, May, August, October, November, and December at 5:30 p.m.

79

80 PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION (PARCAC)

	February 15	March 15	April 19
May 17	June 21		August 16
September 20	October 25*	November 15	

81

82 Parks Art Recreation and Culture Advisory Commission Regular Meetings are held on the third
 83 Thursday of each month at 5:30 p.m. with the exception of January, July, and December.

84 * Rescheduled due to Alaska Day Holiday

85

86 PLANNING COMMISSION (P/C)

January 3, 17	February 7, 21	March 7, 21	April 4, 18	May 2, 16	June 6, 20
July 18**	August 1, 15	September 5, 19	October 3, 17	November 7**	December 5**

87

88 Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of
 89 each month at 6:30 p.m. **There will be no First Regular Meeting in July or Second Regular
 90 Meetings in November and December.

91

92 PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 24	February 28	March 28	April 25	May 23	June 27
July 25	August 22	September 26	October 24	November 21	December 12

93
94 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of
95 each month at 5:00 p.m., with the exception of May, June, July and August meetings that are
96 held at 6:00 p.m. The November meeting is scheduled for the third Wednesday and the
97 December meeting is scheduled for the second Wednesday of the month.

98
99 CANNABIS ADVISORY COMMISSION (CAC)

January 25	February 22	March 22	April 26	May 24	June 28
July 26	August 23	September 27	October 25	November 15	December 20

100
101 Cannabis Advisory Commission Regular Meetings are held on the fourth Thursday of each
102 month at 5:30 p.m. The November meeting is scheduled for the last Thursday and December
103 meetings are scheduled for the third Thursday of the month.

104
105 PASSED AND ADOPTED by the Homer City Council this ____ day of _____, 2017.

106
107 CITY OF HOMER

108
109
110
111 _____
112 BRYAN ZAK, MAYOR

113 ATTEST:

114
115
116 _____
117 MELISSA JACOBSEN, MMC, CITY CLERK

118
119 Fiscal Impact: Advertng of meetings in regular weekly meeting ad and advertising of any
120 additional meetings.

2017/2018 HOMER CITY COUNCIL MEETINGS
CANNABIS ADVISORY COMMISSION ATTENDANCE

It is the goal of the Commission to have a member speak regularly to the City Council at council meetings. There is a special place on the council’s agenda specifically for this. After Council approves the consent agenda and any scheduled visitors it is then time for staff reports, commission reports and borough reports. That is when you would stand and be recognized by the Mayor to approach and give a brief report on what the Commission is currently addressing, projects, events, etc. **A commissioner is scheduled to speak and has a choice at which council meeting they will attend. It is only required to attend one meeting during the month that you are assigned.** However, if your schedule permits please feel free to attend both meetings. Remember you cannot be heard if you do not speak.

The following Meeting Dates for City Council for 2017 is as follows:

January 8, 22, 2018	optional	_____
February 12, 26 2018	CAC Meeting 01/25/18	_____
March 12, 27 2018	optional	_____
April 9, 23 2018	CAC Meeting 04/26/18	_____
May 14, 29 2018	optional	_____
June 11, 25 2018	optional	_____
July 23 2018	optional	_____
August 13, 27 2018	CAC Meeting 08/23/18	_____
September 10, 24 2018	optional	_____
<hr/> <hr/>		
October 9, 30 2017	CAC Special Meeting 10/26/17	_____
November 27 2017	optional	_____
December 11, 2017	CAC Meeting 12/14/17	_____

Please review and if you will be unable to make the meeting you are tentatively scheduled for please Notify the Chair who may contact another commissioner or attend the meeting.



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October 9, 2017

Marijuana Control Board
Alcohol Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501
Email: amco.regs@alaska.gov

Chair Mlynarik and Board Members,

The City of Homer Cannabis Advisory Commission reviewed the current proposed changes to the regulations of the Marijuana Control Board and submitted their recommendation regarding onsite consumption to the Homer City Council for consideration.

After reviewing the information provided by the Commission and the Homer Police Department, the Homer City Council concurs with the Homer Cannabis Commission and supports the prohibition of the onsite consumption of smoking due to the hazardous effects of second hand smoke on emergency personnel that may have to respond to an establishment. However, we also recommend prohibiting onsite vaping and dabbing based on the lack of scientific studies of the effects of secondhand vapors on first responders.

Regards,

Bryan Zak, Mayor
On behalf of the Homer City Council

Encl.

Memorandum from City of Homer Cannabis Advisory Commission



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MEMORANDUM

TO: CITY COUNCIL AND MAYOR ZAK

FROM: CANNABIS ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: AUGUST 28, 2017

SUBJECT: RECOMMENDATION TO OPPOSE ONSITE CONSUMPTION OF MARIJUANA BY SMOKING

The State of Alaska Marijuana Control Board issued proposed regulations for Public Comment. Most of the proposed regulations or amendments were not commented on by the Commission. However, the Commission did comment on the proposed changes to the regulations regarding onsite consumption which generally include the following for retail establishments:

1. 3 AAC 306.370 proposes to allow retail marijuana licensees to apply for an onsite consumption endorsement if certain conditions are met.
2. 3 AAC 306.99 proposes to define “marijuana consumption area” and “retail marijuana store premises”

At the regular meeting of August 24, 2017 the Cannabis Advisory Commission reviewed the proposed regulations, discussed and made a recommendation to oppose allowing consumption by smoking of marijuana for the proposed onsite consumption regulations. Following is the excerpt from the minutes of that meeting reflecting the discussion on proposed regulations:

NEW BUSINESS

C. Proposed Regulations Open for Comment as provided in the Supplemental Packet

a. Notice of Proposed Changes in the regulations of the Marijuana Control Board to Marijuana Plant Count, Testing of Marijuana and Reporting of testing Equipment Failure

There was no comment or recommendation from the Commission on these proposed regulations.

b. Notice of Proposed Changes on Financial Interest in Marijuana Businesses and Restrictions on Advertising of Marijuana, Marijuana Products and Marijuana Businesses in the Regulations of the Marijuana Control Board

There was no comment or recommendation from the Commission on these proposed regulations.

c. Notice of Proposed Changes to the Regulations of the Marijuana Control Board regarding the addition of an Onsite Marijuana Consumption Endorsement to the Retail Marijuana License

ROBL/HARRIS – MOVED TO FORWARD A RECOMMENDATION TO COUNCIL OPPOSING ONSITE CONSUMPTION OF MARIJUANA BY SMOKING.

Commissioner Robl explained that he conducted extensive research speaking with industry professionals and currently there are no known filtration systems that prohibit or reduce the exposure risks of second hand smoke that would impact first responders. He further noted that in confined spaces and if smoking of a product is allowed it would create a situation that would more than likely impair officers to the degree that they would have to be relieved of duty making it necessary to bring back off duty staff creating more impacts to the budget. This is beside the fact that the impaired officer would not be allowed back on duty until he was totally cleared. He also cited the safety issues to first responders in impeding the ability to perform their jobs whether police or emergency personnel.

Further discussion ensued on the time requirement for an officer to be removed from active duty e use of smokeless ashtrays, the density of the smoke and if vaping has the same effect.

HARRIS/LEWIS – MOVED TO INCLUDE IN THE MOTION THAT VAPING OF CANNABIS PRODUCTS WOULD BE ALLOWED ONSITE.

There was no discussion.

VOTE. (Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead inquired if there was any additional discussion on the motion as amended. Hearing none call for the vote.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation

Approve the recommendation to oppose smoking of marijuana onsite but allowing consumption of marijuana to include the method of vaping and forward the recommendation to the Marijuana Control Board before the stated deadline of October 27, 2017.

