

**CITY OF HOMER
HOMER, ALASKA**

Burgess

ORDINANCE 15-07(A)(S)(A)

AN ORDINANCE OF THE HOMER CITY COUNCIL ADOPTING CHAPTER 2.78 ENTITLED "CANNABIS ADVISORY COMMISSION," ESTABLISHING A CANNABIS ADVISORY COMMISSION TO ADVISE THE CITY COUNCIL ON THE GOVERNANCE OF CANNABIS CULTIVATION AND USE WITHIN THE CITY OF HOMER, ALASKA AND SERVE AS THE CITY OF HOMER'S LOCAL REGULATORY AUTHORITY ON CANNABIS.

WHEREAS, The voters approved Ballot Measure 2 on November 4, 2014; and

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

WHEREAS, Ballot Measure 2 provided basic parameters to the legalization of cannabis but relies upon the State of Alaska to adopt more specific and tailored laws and regulations; and

WHEREAS, Ballot Measure 2 also permits municipalities to prohibit or govern the number, time, place, and manner of cannabis cultivation and manufacturing facilities, retail stores and testing facilities within their borders; and

WHEREAS, Government authorities at both the State and municipal level are in the process of considering and adopting laws to regulate cannabis in accordance with Ballot Measure 2 but currently there is uncertainty regarding the applicable regulations, statutes, and policies; and

WHEREAS, It is in the City's best interest to consider all relevant comments and actions by the State legislature, the State administration, and the Kenai Peninsula Borough when addressing local regulation of cannabis; and

WHEREAS, A standing advisory body established specifically to create regulations governing cannabis within the City's borders ensures that any local laws adopted regulating cannabis are effective and meet the intent of the City Council,

WHEREAS, Alaska Statute 17.30.100(c) provides for the transfer of a portion of license application fees to the "local regulatory authority" in a municipality and thus it's in the City's

42 best interest to establish a “local regulatory authority” to ensure collection of any available
43 fees;

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45 THE CITY OF HOMER ORDAINS:

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47 Section 1. Homer City Code Chapter 2.78 is hereby adopted to read as follows:

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49

Sections:

50

2.78.010 Commission – Creation and membership.

51

2.78.020 Terms of members.

52

2.78.030 Proceedings of the Commission.

53

2.78.040 Duties and responsibilities of the Commission.

54

55

2.78.010 Commission – Creation and membership.

56

a. There is created the City of Homer Cannabis Advisory Commission, referred to in
57 this chapter as the commission. The commission shall serve as the Local Regulatory Authority
58 for purposes of AS 17.38.

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

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1. Five public members, at least three of whom shall be city residents, who
61 shall be nominated by the Mayor and confirmed by the Council.

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2. Two Council Members and one member of the Homer Advisory Planning
63 Commission, who shall be nominated by the Mayor and confirmed by the Council.

64

3. The Chief of Police.

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c. A Chairman and Vice-Chairman of the Commission shall be selected annually from
66 and by the Commission Members described in b.1 of this section.

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2.78.020 Terms of members.

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a. Commission Members described in section 2.78.010.b.1 and 2 shall be appointed for
70 three-year terms, provided that the initial terms for such members shall be as follows:

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1. Two members shall be appointed for three-year terms.

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2. Two members shall be appointed for two-year terms.

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3. One member shall be appointed for a one-year term.

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b. A seat on the Commission becomes vacant when:

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1. A member ceases to be qualified under Section 2.78.010.b.2, or 3, or

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2. A member described in Section 2.78.010.b.1 is removed by a majority vote of
77 the members present after unexcused absences from two or more successive regular
78 or special commission meetings.

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2.78.030 Proceedings of the Commission.

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The Commission shall meet regularly once a month for no more than two hours, and at the
82 call of the Chairman. Permanent records or minutes shall be kept of the vote of each member
83 upon every question. Every decision of finding shall immediately be filed in the office of the

84 City Clerk, and shall be a public record open to inspection by any person. Every decision of
85 finding shall be directed to the City Council at the earliest possible date.
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87 **2.78.040 Duties and responsibilities of the Commission.**

88 It shall be the duty of the Commission to act in an advisory capacity to the City
89 Manager and the City Council on the regulation of cannabis and operation of cannabis
90 facilities within the borders of the City of Homer. Further duties shall include but not be
91 limited to:

92 a. Draft recommended laws and policies regulating cannabis and related facilities
93 within the City of Homer.

94 b. Provide information to the public regarding the regulation of cannabis within the
95 City and develop programs and /or materials to educate the public regarding actions and
96 regulations of cannabis in the City.

97 c. Supervise and monitor the implementation of laws and policies governing cannabis
98 in the City.

99 d. Analyze the economic impact of cannabis regulation in the City.
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101 Section 2. This Ordinance is of a permanent and general character and shall be
102 included in the City Code.
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104 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13th day of April, 2015.
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106 CITY OF HOMER
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108 
109 MARY E. WYTHE, MAYOR
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111 ATTEST:
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114 _____
115 JO JOHNSON, MMC, CITY CLERK
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122 AYES: 6
123 NOES: 0
124 ABSTAIN: 0
125 ABSENT: 0

126 First Reading: 3/23/15
127 Public Hearing: 4/13/15
128 Second Reading: 4/13/15
129 Effective Date: 4/14/15
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131 Reviewed and approved as to form:
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133
134 Mary K. Koester
135 Mary K. Koester, City Manager
136
137 Date: 4.17.15

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney
Date: 4-21-15