CITY OF HOMER
HOMER, ALASKA

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

THE CITY OF HOMER ORDAINS:

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

Sections:

2.78.010 Commission – Creation and membership.
2.78.020 Terms of members.
2.78.030 Proceedings of the Commission.
2.78.040 Duties and responsibilities of the Commission.

2.78.010 Commission – Creation and membership.

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

b. The commission consists of nine members, as follows:
   1. Five public members, at least three of whom shall be city residents, who shall be nominated by the Mayor and confirmed by the Council.
   2. Two Council Members and one member of the Homer Advisory Planning Commission, who shall be nominated by the Mayor and confirmed by the Council.
   3. The Chief of Police.

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

2.78.020 Terms of members.

a. Commission Members described in section 2.78.010.b.1 and 2 shall be appointed for three-year terms, provided that the initial terms for such members shall be as follows:
   1. Two members shall be appointed for three-year terms.
   2. Two members shall be appointed for two-year terms.
   3. One member shall be appointed for a one-year term.

b. A seat on the Commission becomes vacant when:
   1. A member ceases to be qualified under Section 2.78.010.b.2, or 3, or
   2. A member described in Section 2.78.010.b.1 is removed by a majority vote of the members present after unexcused absences from two or more successive regular or special commission meetings.

2.78.030 Proceedings of the Commission.

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

2.78.040 Duties and responsibilities of the Commission.

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

a. Draft recommended laws and policies regulating cannabis and related facilities within the City of Homer.
b. Provide information to the public regarding the regulation of cannabis within the City and develop programs and/or materials to educate the public regarding actions and regulations of cannabis in the City.
c. Supervise and monitor the implementation of laws and policies governing cannabis in the City.
d. Analyze the economic impact of cannabis regulation in the City.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13th day of April, 2015.

CITY OF HOMER

MARY E. WYTIE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 0
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<td>134</td>
<td>Mary K. Koester</td>
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<td>Mary K. Koester, City Manager</td>
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Thomas F. Klinkner, City Attorney

Date: 4-21-15