

MEASURE C

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE C

Measure C, if approved by a majority of the voters, will enact an ordinance modifying the City of San Jose's current regulatory program that allows medical marijuana collectives or dispensaries ("collectives") to be registered and to operate within the City of San Jose. Measure C was placed on the ballot by an initiative petition signed by the required number of voters.

Under the City's current medical marijuana regulatory program, there was a one-time application process, under which 16 collectives have been registered. The application included supplying the City with specific information about the collective's operations and each owner, manager, and employee of the collective. This information included each individual's past criminal history, and fingerprints. Measure C creates a similar registration process, except the registration process runs continuously to allow additional collectives to apply to operate in the City of San Jose. Additionally, Measure C only requires that information concerning high-level managers of the collective be provided to the City and their fingerprints are not required.

Currently, the City's fines for violations of the medical marijuana regulatory program range from \$2,500 to \$50,000 per violation. Measure C would reduce all the fines to \$100.

Under existing law, collectives may be located in the following zoning districts: Downtown Core, Combined Industrial Commercial, Industrial Park, Light Industrial, and Heavy Industrial. Under Measure C, collectives could be located in the following zoning districts instead: Agricultural, Commercial Pedestrian, Commercial Neighborhood, Industrial Park, Light Industrial, and Heavy Industrial. Additionally, Measure C would allow collectives in certain Planned Development zoning districts and consequently a collective could be located in any zoning district in the City.

Under existing law, collectives are prohibited within 1000 feet of preschools, K-12 schools, child daycare centers, community centers, libraries and parks; within 500 feet of substance abuse rehabilitation centers; and within 150 feet of residential uses, adult daycare centers, and religious assemblies. Measure C would remove several of these current location restrictions for collectives, including 150 feet from residential uses; 150 feet from religious assemblies; 500 feet from substance abuse rehabilitation centers; 1000 feet from preschools; 1,000 feet from child daycare centers; and 1,000 feet from libraries. Measure C would also remove the 1,000 foot buffer from parks, although it would maintain a 1000 foot buffer from any playground.

Measure C expressly prohibits the City from using City funds to assist in, or from accepting any Federal funding that would be used in, the enforcement of Federal controlled substance laws to the extent that they are inconsistent with California medical marijuana laws. Measure C provides that the proposed ordinance could be amended by the City Council after 3 years from its effective date.

A "Yes" vote is a vote to modify the City's medical marijuana regulatory program, including expansion of the number of collectives and allowed locations in the City of San Jose.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE C-Continued

A "No" vote is a vote to maintain the current regulations and location restrictions for medical marijuana collectives.

/s/ Richard Doyle
City Attorney, City of San Jose

The above statement is an impartial analysis of Measure C. If you would like to read the full text of the measure, see <http://www.sanjoseca.gov/index.aspx?NID=446> or call 408-535-1260 and a copy will be sent at no cost to you.

ARGUMENT IN FAVOR OF MEASURE C

VOTE YES!

RIGHT NOW, SAN JOSE HAS SIXTEEN MEDICAL MARIJUANA DISPENSARIES THAT ARE OPEN, REGISTERED AND TAXED BY THE CITY, AND PROVIDING GOOD QUALITY MEDICINE TO PATIENTS THROUGHOUT SILICON VALLEY.

BUT SAN JOSE NEEDS MORE MARIJUANA CLUBS! SIXTEEN REGISTERED CLUBS ARE TOO FEW TO MEET PATIENT NEEDS. SAN JOSE IS A REGIONAL MARKET THAT SERVES SILICON VALLEY AND HAS AN OBLIGATION TO MEET PATIENT NEEDS FOR THE REGION NOW AND INTO THE FUTURE. DENVER, COLORADO IS TWO-THIRDS THE SIZE OF SAN JOSE AND IT HAS 424 MEDICAL AND RECREATIONAL DISPENSARIES-THERE IS NO REASON SAN JOSE SHOULD NOT HAVE AT LEAST A SIMILAR NUMBER OR MORE!!!

SAFE ACCESS IS IMPORTANT SO THEY SHOULD BE EVERYWHERE IN THE CITY, IN COMMERCIAL ZONES, ESPECIALLY COMMERCIAL PEDESTRIAN AND COMMERCIAL NEIGHBORHOOD, AND RIGHT NEXT DOOR TO RESIDENCES, SO MARIJUANA USERS DON'T HAVE TO DRIVE TO FAR AWAY PLACES TO RECEIVE MEDICATION—THEY CAN JUST WALK AROUND THE CORNER TO THE NEIGHBORHOOD POT CLUB!!!

VOTE YES TO MAKE SAN JOSE THE CAPITAL OF MEDICAL MARIJUANA IN CALIFORNIA!

/s/ James Anthony
Chair, Sensible San Jose

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE C

San Jose allows medical marijuana to be sold to people with health challenges who have a recommendation from a doctor, and there are 16 dispensaries operating legally today.

The advocates for Measure C want more than 400 hundred marijuana dispensaries in San Jose. **That's more than 10 times as many as in Oakland and San Francisco combined!**

They want to "make San Jose the capital of medical marijuana in California." They want to have dispensaries "right next door to residences." That's exactly what they say they want.

Would you want a marijuana dispensary next to your house? Of course not. Then vote NO!

Would you want marijuana sold next to a daycare center or a church? Of course not. Then vote NO!

Would you want marijuana easy for your kids to buy? Of course not. Then vote NO!

Would you want marijuana laced with chemicals to be sold to sick people? Of course not. Then vote NO!

The Mercury News says: **"with Measure C, the marijuana zoning initiative. It's easy. Just say No. Seriously... The measure... would pretty much restore the chaos that existed when more than 100 clubs sprang up all over town several years ago... By the end of last year, 16 had met city requirements to operate. It's the others that want to roll back zoning to pretty much anything goes."** (www.mercurynews.com/opinion)

Measure C would reduce penalties for selling marijuana to children to a \$100. That's ridiculous! Vote NO!

/s/ Joe A. Lopez
President, National Latino Police Officers Association,
Santa Clara Chapter

/s/ Robert Varich
Trustee, Moreland Elementary School District

/s/ Lan Nguyen
Board President, East Side Union High School District

/s/ Pam Foley
Trustee, San Jose Unified School District

/s/ Joel Ruiz Herrera
Dr., Superintendent, Orchard School

ARGUMENT AGAINST MEASURE C

Don't be fooled by the misleading description of Measure C. San Jose already allows medical marijuana and has 16 legal dispensaries. In fact, Measure C **will repeal controls that protect our neighborhoods and children** from the negative impacts of marijuana sales.

Measure C **would allow dispensaries to open up next to a day care center, a church or a residence.** Currently, medical marijuana dispensaries are prohibited from locating within 150-feet of residences and churches and 1,000 feet from schools, parks, and libraries. This is a good law and should not be changed.

Measure C would reduce penalties for selling marijuana to children from thousands of dollars to a \$100, slap-on-the-wrist fine. Selling cigarettes or alcohol to a child carries at least a \$1000 penalty. **A \$100 penalty would allow dispensaries to sell marijuana to children with no serious consequences.**

Measure C would eliminate all guidelines for how marijuana is grown or obtained by the dispensaries. As a result, **marijuana grown by drug cartels could be sold in San Jose**, as well as marijuana produced in illegal grow-houses, or marijuana manufactured with harmful chemicals.

There are 16 marijuana dispensaries in San Jose. Measure C has NO LIMITS on the number of dispensaries that will be allowed to open in San Jose. As a result, we might end up with hundreds of dispensaries throughout the City, making it easy for our children to get marijuana.

Responsible medical marijuana dispensary operators say that **Measure C is a trick to eliminate reasonable regulations** so that bad operators will be free to sell marijuana to anyone, anytime, anywhere. Our neighborhoods and children are at risk! We cannot allow this Measure to become law.

The Mercury News says "Pot club Measure C in San Jose deserves a big no." (www.mercurynews.com/opinion)

Vote No on Measure C.

/s/ Sam Liccardo
Mayor of San Jose

/s/ Chuck Reed
Former Mayor of San Jose

/s/ Jeff Rosen
District Attorney

/s/ Susan Ellenberg
Trustee, San Jose Unified School District

/s/ Dennis King
Executive Director, Hispanic Chamber of Commerce Silicon Valley

REBUTTAL TO ARGUMENT AGAINST MEASURE C

VOTE YES!

WE REBUT THE MAYOR AND CITY COUNCIL'S SPECIOUS ARGUMENTS.

SAN JOSE NEEDS MORE MARIJUANA CLUBS! SIXTEEN REGISTERED CLUBS ARE TOO FEW TO MEET PATIENT NEEDS.

THEY SHOULD BE EVERYWHERE IN THE CITY, IN COMMERCIAL ZONES, ESPECIALLY COMMERCIAL PEDESTRIAN AND COMMERCIAL NEIGHBORHOOD, AND RIGHT NEXT DOOR TO RESIDENCES, SO MARIJUANA USERS DON'T HAVE TO DRIVE TO FAR AWAY PLACES TO RECEIVE MEDICATION—THEY CAN JUST WALK AROUND THE CORNER TO THE NEIGHBORHOOD POT CLUB!!!

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