



City of Fort Bragg

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Meeting Minutes Public Safety Committee

Wednesday, December 9, 2015

3:00 PM

Police Department Conference Room
250 Cypress Street

MEETING CALLED TO ORDER

Committee Member Peters called the meeting to order at 3:00p.m.

ROLL CALL

Present: 7 - Scott Deitz, Lindy Peters, Linda Ruffing, Fabian Lizarraga, Marie Jones, Tom Varga and Debbie Desmond
Absent: 1 - Steve Orsi

APPROVAL OF MINUTES

Approve Minutes of November 12, 2015 Special Meeting

A motion was made by Committee Member Deitz, seconded by Committee Member Peters, that the Committee Minutes be approved. The motion carried by a unanimous vote.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None received

CONDUCT OF BUSINESS

3. Receive Report Regarding New Legislation Regulating Medical Marijuana

Community Development Director, Marie Jones, presented her written summary report regarding new legislation regulating medical marijuana.

The following was noted during discussion of this item:

- Committee Member Deitz asked if the new regulations will go into effect when licenses are issued in 2018. Jones replied yes, in certain situations that are described further in her report.
- The City of Fort Bragg already has a Marijuana Cultivation Regulation ordinance. It is recommended by the League of California Cities that the regulation be in both the City's Municipal Code and the Zoning Ordinance.
- If the City Council wants to make changes to the City's medical marijuana cultivation regulations, it needs to be done prior to March 1, 2016.
- The question of regulating delivery needs to be added to the current City ordinance. The City can either allow or prohibit delivery within the City limits, although since there are currently no dispensaries in the City, the only way citizens would be able to receive their medical marijuana is by delivery. The common thinking is that if you don't have any dispensaries, then you need to allow delivery. There are two dispensaries just south of town where citizens can purchase medical marijuana, so that may be sufficient.

- The City of Fort Bragg currently allows dispensaries, but the process to get one approved is very difficult, so dispensaries have so far only been located in the County.
- The City issued a business license to operate a medical marijuana edibles business in the City of Fort Bragg to Route One Botanicals in November. After subsequent research, Jones realized that she needs to get some direction from City Council before moving forward with issuing these types of business licenses. City Manager Ruffing reminded the Committee that a business license does not confer a right to conduct the business, that it is merely a mechanism for collecting tax.
- Ruffing stated that in order to frame this discussion she wanted to say that this is only an introduction on the subject and direction from the Committee is not being sought at this point. This is a very complicated subject with many factions and is something that will likely be brought to the whole Council in January or February.
- The cultivation ordinance is perhaps the only time sensitive issue. The City has a cultivation ordinance that is not part of our zoning code. The City Attorneys will look specifically at the language of our ordinance and the language of the new ordinance to determine if it should be part of our zoning code, which the City would need to do before March 1, 2016.
- The question is, does the Council want to consider manufacturing of edibles consistent with light manufacturing zoning. This direction needs to come from Council as a whole, not just committee. Jones needs to know the answer to this question as she is receiving many calls on the subject.
- Committee Member Peters asked who is responsible for inspection for the manufacturing of edibles. Jones mentioned when the law was written they were thinking about dispensaries more than manufacturers. She assumes Environment Health would be responsible for inspections. This law was put in place as a framework where the State Department of Public Health issues licenses and establishes a regulatory framework for the manufacturing and labeling of edibles. This likely will not come until 2018. Growing and Transportation would also be regulated.
- The City has experience with regulating cultivation and dispensaries, but the transportation issue hasn't really been dealt with, except by law enforcement. This will create a whole new licensing structure for transportation and for delivery.
- David Ayster and Jon McColley of Root One Botanicals presented their written business plan and discussed their ideas with the Committee. They are interested in starting a manufacturing facility that will be strictly wholesale, not a store front business. They hope to be a processor and manufacturer of cannabis concentrates. They would like to provide concentrates to the growing edible, medicinal, skin and body care and tincture market.
- Peters asked if an employee would be delivering marijuana to the facility for processing and if Route One Botanicals would be producing the edibles or just the concentrate to sell to others to produce edibles. They would be selling the concentrate and they are currently working under the Compassionate Care Law as licensed care givers as far as transportation.
- The new laws concerning regulations for transportation will not be in place until 2018. Prior to 2018 the City could review the current County laws for transportation and if the Council is comfortable with those regulations, they could possibly adopt them for the City.
- Ruffing asked Ayster and McColley when they plan to open their business. They replied they will be ready once they have worked through their business plan and the City is ready, but they are proceeding with caution. They realize this is a polarizing issue without a lot of precedence.
- Lt. Gilchrist brought up the fact that processing marijuana into hash oil is still illegal. The Governor has indicated that it will eventually become legal. The laws are not easy to understand. Deitz mentioned that there are other facilities already doing this, so there must

be some legality to it on some level.

- The Medical Marijuana Regulatory Agency will be established. The Governor will be appointing a Chief, who will assemble a team to work on the regulations. The team will consist of 13 different agencies. There are established frameworks for agriculture that can be stepped into. The state will limit the number of licenses. There will be two types, one for non-volatile extractions and one for volatile extractions.
- Concentrates can be viewed as medical marijuana but the laws that limit their manufacturing and possession are still on the books. After January 1st the new regulatory agency will have to start wading through these laws.
- The state has given themselves two years to decide how they will be regulating all of the various issues surrounding this subject. Cities are grappling with what to do in the meantime. The State has said they will abide by whatever City or County regulations are put in place. The State is trying to bring this industry into regulation and is encouraging everyone to work within the local framework. The state is also trying to open this new industry up to small business.
- Deitz stated that he feels a use permit would be appropriate for such a business. He asked if Root One opened their business today, what regulations would they be operating under. The answer was the Compassionate Care Act and any City guidelines that are in place.
- Ruffing stated that unfortunately a business license was issued to this business when it shouldn't have been. The City has permissive zoning that says if it is specifically identified as a use, then it is regulated as established in the code and if it's not identified as a use, it may be prohibited. The policy issue for the Council is to figure out if this is a use that they want to accommodate in the City of Fort Bragg. If it is, they then need to decide what the regulatory framework is and then go through the legislative process to establish regulations to govern the use.
- Peters brought up the fact that a few years ago the Federal Government came into dispensaries in Ukiah and arrested a number of people, claiming that it is still illegal under Federal law. It was stated that the Feds don't recognize County or State law.
- In the states like Colorado and Washington, where marijuana is now legal, they have established separate certified testing labs for medical and recreational marijuana. The state wants to regulate the potency of the product. They are tested for many chemicals also.
- Root One Botanicals has secured a building and a lease for their business north of town but in the City limits, at 740 North Main.
- As far as zoning, Jones believes the product would be considered under food and beverage manufacturing. Concerns would be smell, security and waste discharge, depending on the manufacturing process used. The City needs to decide through our current zoning ordinance that this type of manufacturing will not be allowed, or that it is allowed and make a use type for it and decide what the use permit requirements will be. Unless the Council gives direction that the City does not want it at all, there has to be a process to give the businesses a license because they won't be able to get a state license without a local license.
- As Ayster understands it, the licenses for this industry will be overseen and enforced by the Department of Consumer Affairs and the Department of Public Health, as they are known to have strict enforcement for their regulations. Root One has contacted the Board of Equalization and they walked them through the process of being a concentrate manufacturer for cannabis and getting a sellers permit, so they are setting up right now to be able to handle this.
- There may be less need for dispensaries in town if delivery of the product is allowed. Delivery can be regulated as well. There are currently couriers who do this type of delivery now. There is the potential to be able to order online and have it delivered to your house by

FedEx.

- Deitz asked Chief Lizarraga if he could research what the enforcement for manufacturing is right now and where it is going.
- There is a potential for the City to benefit financially from this new market with permit fees, licensing fees, sales tax if there are retail outlets allowed, and new jobs.
- The advice that the City has received is that it has until January of 2018 when the state process is in place to have this worked out.
- It is in the infancy stage right now, but legalization is right around the corner and there is still a great deal that needs to be figured out. It is likely that won't happen quickly.
- Peters stated the Committee will move this item along to the Council for their direction and a broader discussion on how to proceed. At that point Root One will be further along as far as understanding what they are dealing with from a business standpoint. He believes that it is inevitable that California is the next state to go with legalization of recreational marijuana.
- Jones mentioned that she is concerned about bringing this forward to City Council at this very uninformed stage and feels the next step should be for the subject to come back to the Committee to see if the Committee feels that some sort of regulation is appropriate. It then needs to be discussed as far as how to set up the use process and what requirements would be involved. Also licensing fees, delivery and cultivation needs to be discussed. Then the results can then be brought forward to City Council.
- Ruffing mentioned that the City Attorney will need to be involved in the process.
- The Chief will research how other City P.D.s are handling the new laws and regulations.
- Jones will follow up with Salinas and Shasta City to see what their regulations are and how they are allowing these types of businesses to operate within their cities.
- The current cultivation ordinance that the City has is very reasonable. It works and allows for compassionate use. New case law allows cities to prohibit cultivation but Ruffing does not believe that is where this community wants to go with this issue.
- Peters mentioned that it is beneficial to have a real business model such as Route One to assist the City in dealing with this issue, instead of a hypothetical one. He believes it will be good to work this out alongside a business in the industry that wants to work with the City. Root One is happy to make themselves available as a resource for the City.

The Committee will be most likely to be ready to discuss this issue again at the February Public Safety Committee meeting if the Committee is able to collect all the information and feedback by then.

1. Receive Oral Report on Updated Emergency Plan and Multi-Jurisdictional Hazard Mitigation Plan

The following was noted during discussion of this item:

- The Police Chief and City Manager reviewed the emergency plan and made changes to make it more applicable to Fort Bragg. The revised edition is about half the size of the original and it covers everything the City of Fort Bragg would need to address in a variety of emergency situations such as earthquakes, tsunamis, power outages and fires.
- The Emergency Plan is based on the Incident Command System (ICS) as well as the Standardized Emergency Management System that is used in California. The ICS plan works very well and delineates all tasks and responsibilities which makes it very clear who is responsible for what.
- Once the plan is adopted, all of the current information, such as names and numbers for everyone in the Police Department, Public Works and Fire Department will be plugged into the plan. The plan will be kept at those departments and with the City Manager so everyone will have access to it.

- Everyone in the Police Department is familiar with the ICS system. Others will need to be trained. The plan will be reviewed and updated as needed.
- Peters suggested that the hospital be added to the distribution list for the plan. Ruffing also suggested the school district, State Parks, Fish and Wildlife and the Coast Guard.
- Many of the non-perishable food, water and emergency supplies mentioned in the plan will be stored at the Police Department.
- The Emergency Operations Center will be activated at different levels. Level one would be activated when it is believed that something might happen and the situation is just being monitored. Level two would be when an emergency is imminent and a crew is set to staff the EOC. In between those two levels is when someone will be accessing logistics as far as food and water. Town Hall can also be used for food storage. The Food Bank may be available for food storage as well.
- The 2013 emergency plan for the City was updated, approved and put into place. Shortly after that, the County developed a much more comprehensive plan that the City Manager and the Chief of Police have recently re-worked for Fort Bragg. The plan is in place now. The City Manager is the Emergency Services Director in the case of any emergency. Other roles in case of emergency are explained in the plan.
- The City has many new employees that will be trained on the ICS system. All employees are required to take the ICS 100-200 training as soon as possible after being hired, which can be taken online. After that, they are sent to the upper level trainings as they become available. Supervisors are required to take even more advanced ICS courses.
- All public employees take and subscribe to the oath of affirmation set forth in the California Constitution that declares them to be disaster service workers in time of need. The City's Administrative Services Director, Scott Schneider, has put together a pamphlet for City employees to help them better understand the role of a Disaster Services Worker.
- Ruffing believes that the City is well prepared to respond to any emergency that might come up this winter. All of the City's generators have been tested and are operational, the propane vendors have been contacted and requested to make deliveries often so that the tanks do not become less than half full, the internal computer and communication lines are installed in the EOC, the water system is in very good shape, the storm drains have been cleaned, the City is working on hazardous tree removal and there are some leaks in City buildings that are being dealt with.
- The Chief is working with Anna Shaw at the Hospitality Center on keeping the Extreme Weather Shelter available to those who need it. They have agreed to accept those in need that the Police Department personnel bring to them, even if it is in not during regular shelter check in hours. If necessary, they will put them up in their lobby for the night.
- It has been quite a while since the City has done a full scale exercise for response to an emergency. The plan is to do an exercise with Managers and Mid-Managers in the City once the cabinets are installed in the EOC and stocked with necessary supplies. This will make the community feel more secure about the preparedness of the City.
- Ruffing stated that the citizens of Fort Bragg should understand that they need to be prepared to take responsibility for themselves and their neighbors. There are many links on the City web site to assist citizens so they can prepare for emergencies.
- The City has worked with the County Office of Emergency Services on coordination of the response in case of an emergency on the coast, but in a big event such as a large earthquake, Fort Bragg will most likely be on its own. Fortunately the City has a long history of taking care of itself and has great first responders who are very well trained.
- The Multi-Jurisdictional Hazard Mitigation Plan is now in Legistar. There is a resolution on next Monday's Council agenda for the Council to adopt the plan.
- The Federal Emergency Management Agency (FEMA) requires counties to have a local

hazard mitigation plan in order to mitigate hazards before they become disasters. The County has a plan that was adopted in 2008. They are required by FEMA to be updated every five years, so in 2013 they started the process and received an extension from FEMA. In 2014 they completed the process of updating the county wide multi-hazard mitigation plan, which included participation from the Cities of Fort Bragg, Willits, Ukiah and Point Arena.

- The plan identifies a whole host of various hazards and also mitigations for them. In order to be eligible for FEMA hazard mitigation funding, the agency has to adopt the plan within a year of FEMA approval of the plan. They approved the plan on December 29, 2014, so the plan is coming to the Council for approval at the next meeting on December 14th. Once approved Fort Bragg will be eligible for FEMA funding.
- There is nothing in the plan that the City isn't already doing. The funding will not be available until a disaster or local emergency has been declared.

The new and improved Emergency Plan will be brought forward to the City Council. There are still a number of appendices that will be developed and integrated into the plan. It is a living breathing document that doesn't necessary have to go to Council for approval every time it is updated.

2. Receive Oral Update on Status of Emergency Operations Center Upgrade Project

Sergeant Gilchrist presented his oral report to the Committee.
The following was noted during discussion of this item:

- The Emergency Operations Center (EOC) plans have been reviewed from the ground up. The telephone lines have been tested and Internet is available.
- There will be five work stations set up for the Incident Command System (ICS), each with their own cabinet, computer, phone and box of supplies. The specific phone lines will be designated in the plan so those at other EOCs will know how to reach which stations.
- A mobile base station has been purchased that can be moved around as needed.
- The Police Department has a Ham antennae but not a Ham radio yet. The Ham radios are still used quite extensively in ICS operations, usually for monitoring. It is still a viable secondary means of communication. The Department is also looking as the possibility of purchasing satellite phones.
- The new Police Department generator is working, though there are still a few glitches that are being worked out.
- Lt. Gilchrist has completed the supervisory ICS training for his new position as a Lieutenant.
- Police Department Officers gained a great deal of exposure to the ICS system during their participation in assisting with the Lake County Valley Fire. Many of our officers were there the following day providing mutual aid. The Fire Camp that was set up worked amazingly well to feed, clothe and bed hundreds of people.
- Chief Orsi mentioned that the PG&E camp at the mill site during the last big storm worked very well. PG&E will still have access to the mill site in the event of an emergency.
- Public Works Director Varga contacted CalTrans about the problem with traffic signals being out in an emergency. Currently the City is not allowed to respond to any issues like this on Main Street as it is CalTrans' responsibility. It is a hazard at night when the lights are out, especially for people who don't even know there is a light there. The City wants to get it in writing from CalTrans that they do not want the City to respond in any way in this

situation, even with something as small as placing flares in the intersection. Currently officers will often place their patrol cars on either side of the intersection with their amber lights flashing to alert drivers.

MATTERS FROM COMMITTEE / STAFF

Deitz mentioned that the City may get some push back on the new marijuana regulations from the old timers and citizens such as the loggers. Ruffing suggested that perhaps when the item comes back to the Public Safety Committee the City can put out a notice specifically inviting citizens to come voice their opinions and concerns with the issue. Informal discussion at the Committee level is important to the process.

ADJOURNMENT

The meeting was adjourned at 4:50p.m. by Committee Member Peters.