



City of Placerville
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**MEDICAL MARIJUANA DISPENSARY REPORT
PURSUANT TO GOVERNMENT CODE SECTION 65858(d)**

On February 9, 2010, the City Council adopted a 45-day moratorium prohibiting the establishment of medical marijuana dispensaries in the City of Placerville. Government Code Section 65858(d) requires a report 10 days prior to the expiration of the moratorium or any extension thereof.

One of the bases for the moratorium is a case pending in the California Appellate Court involving the City of Anaheim's ban on medical marijuana dispensaries. It is anticipated that that case will provide significant guidance to local agencies with respect to the regulation of medical marijuana dispensaries. That case has been argued before the Appellate Court; supplemental letter briefs were filed February 16, 2010 by the plaintiff, and March 2, 2010 by the City of Anaheim. It is expected that the Court will render a decision sometime in the next 90 days.

Since the adoption of the moratorium, staff has met with Matt Vaughn of the Medical Marijuana Caregivers Association, a medical marijuana collective operating in El Dorado County. As a result of that meeting, staff is preparing amendments to the City's Medical Marijuana Dispensaries Ordinance, which would conform to the California Attorney General's Guidelines, as well as existing case law, as a result of the California Supreme Court decisions in *People v. Kelly* and *Mentch v. Supreme Court*.

Because the decision in the City of Anaheim case will not be available by the City Council meeting on March 23, 2010, and the proposed amendments to the City's Medical Marijuana Dispensaries Ordinance will not be completed by that date, staff will be requesting that the Council continue the moratorium for a period that is anticipated will not exceed 90 days.


John Driscoll
City Manager/City Attorney