



Local ballot measure: T

T

City of Santa Cruz

Ballot question

With cultivation, possession and use of recreational marijuana made legal in 2016 by California voters, shall the Santa Cruz Municipal Code be amended to repeal Measure K, a 2006 ballot measure that requires Santa Cruz police officers and other law enforcement officers in the City of Santa Cruz to make enforcement of laws pertaining to the distribution, sale, cultivation or use of marijuana by adults their lowest law enforcement priority?

Pregunta de Boleta

Habiendo sido legalizados en 2016 el cultivo, la posesión y el consumo recreacional de marihuana por los votantes de California, ¿debe enmendarse el Código Municipal de Santa Cruz para abrogar la Iniciativa de Ley K, una iniciativa de ley en la boleta electoral de 2006 que exige que los oficiales de policía de Santa Cruz y otros oficiales de la ley en la Ciudad de Santa Cruz hagan que el cumplimiento de la ley con relación a la distribución, venta, cultivo y consumo de marihuana por parte de adultos sea su menor prioridad?

What your vote means

YES	NO
A "Yes" vote is vote to repeal the current "lowest law enforcement priority" ordinance.	A "No" vote is a vote to keep this largely ineffectual ordinance as part of the Municipal Code.

For and against Measure T

FOR	AGAINST
<p>Police Management Association Bernie Escalante, President</p> <p>KindPeoples Khalil Moutawakkil, CEO/Co-Founder</p> <p>David J. Terrazas Mayor, City of Santa Cruz</p> <p>Martine Watkins Vice Mayor, City of Santa Cruz</p>	No argument against was filed.



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Arguments and replies are the opinions of the authors. We print them exactly as submitted, including errors.

Argument for Measure T

VOTE YES ON MEASURE "T":

Measure "T" updates the Santa Cruz City Charter to eliminate a 12-year-old local ordinance that has been made obsolete by the 2016 legalization of recreational cannabis use throughout the State of California. This is a commonsense measure that removes outdated rules, including a requirement to empanel a now-unneeded Oversight Committee.

In November of 2006, Santa Cruz city voters approved Measure K, ensuring that adult cannabis offenses be given the lowest law enforcement priority by Santa Cruz City Police, and creating a "Community Oversight Committee". Measure K was intended to decriminalize personal recreational use of cannabis by adults, in accord with a growing public sentiment that personal cannabis use did not warrant costly and life-altering law-enforcement intervention.

The subsequent legalization of recreational cannabis usage in California in 2016 (Proposition 64) and the City's 2017 adoption of Ordinance 2017-21, establishing regulations for commercial cannabis operations consistent with Proposition 64, have made Measure K essentially obsolete.

Given that the state law legalizes the possession, sale and use of cannabis products, a Municipal Code provision declaring cannabis crimes law enforcement's "lowest priority" becomes largely symbolic and superfluous and may hinder the City's ability to implement and enforce regulations and standards set forth in state and local law.

Police Management Association

Bernie Escalante, President

KindPeoples

Khalil Moutawakkil, CEO/Co-Founder

David J. Terrazas

Mayor, City of Santa Cruz

Martine Watkins

Vice Mayor, City of Santa Cruz

No argument against Measure T was filed.



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Impartial analysis of Measure T

Anthony P. Condotti, City Attorney, City of Santa Cruz

Repeal of 2006 Initiative – Lowest Law Enforcement Priority for Marijuana Criminal Offenses

The Santa Cruz City Council has placed a measure on the ballot asking voters to repeal Measure K, a 2006 initiative measure relating to the Santa Cruz Police Department's enforcement of marijuana related criminal offenses.

The California Penal Code authorizes police officers to enforce all state and local laws. To this end Police Department general orders and ethical canons require police officers to take prompt and proper action relative to violations of laws observed by them or coming to their attention, and to uphold laws established pursuant to legally constituted authority. In 2006, Santa Cruz voters adopted Measure K, an initiative that enacted a City ordinance declaring that investigations, citations, arrests, property seizures and prosecutions for adult marijuana offenses must be given the lowest law enforcement priority for City law enforcement officials, including police officers.

At the time of Measure K's passage, with the exception of certain medicinal uses, California law made it a crime to possess, cultivate, sell, furnish or transport marijuana. In November of 2016, however, California voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA), legalizing the possession, cultivation, and sale of marijuana within certain parameters. Under the AUMA, individuals over age 21 may legally possess, cultivate and sell marijuana; the state regulates commercial activities related to commerce for recreational use; certain taxes are imposed; and possession and cultivation of limited quantities for personal use is legalized statewide. The AUMA also authorizes cities to implement local regulations for commercial cannabis operations.

In late 2017, pursuant to the authority for local regulations set forth in the AUMA, the City Council adopted an ordinance adding Chapter 6.91 to the Municipal Code, which initially limits the number of cannabis retail outlets allowed, and includes additional regulations to ensure that their proliferation will not create unforeseen negative impacts. It also creates a licensing scheme to provide a process that limits the number of outlets without tying those outlets to specific properties.

Given that the AUMA legalizes, within its parameters, the possession, sale and use of marijuana products, the City Council has determined that an ordinance declaring marijuana crimes law enforcement's "lowest priority" is unnecessary, and inconsistent with the City's interest in seeing the AUMA and Chapter 6.91 implemented and enforced in a manner ensures those activities that will not pose a threat to public health, safety and welfare, and do not create a nuisance.

A "Yes" vote is a vote to repeal the current "lowest law enforcement priority" ordinance. A "No" vote is a vote to keep this largely ineffectual ordinance as part of the Municipal Code. The measure would be approved with a simple majority of "Yes" votes.

Full text of Measure T

The people of the city of Santa Cruz ordain as follows:

Title 9 of the Santa Cruz Municipal Code is amended to REPEAL Chapter 9.84 entitled "Lowest Law Enforcement Priority Policy Ordinance" of the City of Santa Cruz Municipal Code.