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18 COUNTY OF SANTA CRUZ, et al

19 SUPERIOR COURT OF THE STATE OF CALIFORNIA

20 COUNTY OF FRESNO

21 COUNTY OF SANTA CRUZ; CITY OF
22 AGOURA HILLS; CITY OF ANGELS CAMP;
23 CITY OF ARCADIA; CITY OF ATWATER;
24 CITY OF BEVERLY HILLS; CITY OF CERES;
25 CITY OF CLOVIS; CITY OF COVINA; CITY
26 OF DIXON; CITY OF DOWNEY; CITY OF
27 MCFARLAND; CITY OF NEWMAN; CITY OF
28 OAKDALE; CITY OF PALMDALE; CITY OF
PATTERSON; CITY OF RIVERBANK; CITY
OF RIVERSIDE; CITY OF SAN PABLO; CITY
OF SONORA; CITY OF TEHACHAPI; CITY
OF TEMECULA; CITY OF TRACY; CITY OF
TURLOCK; and CITY OF VACAVILLE,

Plaintiffs,

v.

BUREAU OF CANNABIS CONTROL; LORI
AJAX, in her official capacity as Chief of the
Bureau of Cannabis Control; and DOES 1
through 10, inclusive,

Defendants.

Filing Fee Exempt
(Gov. Code § 6103)

E-FILED
5/13/2020 10:54 AM
Superior Court of California
County of Fresno
By: Louana Peterson, Deputy

Case No.: 19CECG01224

**REQUEST FOR JUDICIAL NOTICE,
EXHIBITS VOLUME 4 (EXHIBITS 23-25)**

Complaint filed: April 4, 2019

Trial Date: July 16, 2020

Assigned for all purposes to Judge Rosemary
McGuire, Department 403.

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EXHIBIT 23

CITY OF PALMDALE
COUNTY OF LOS ANGELES, CALIFORNIA
ORDINANCE NO. 1504

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE AMENDING
AND RESTATING CHAPTER 5.05 OF THE PALMDALE MUNICIPAL CODE
REGARDING CANNABIS**

WHEREAS, the People of the State of California approved Proposition 215, which was codified as California Health and Safety Code § 11362.5 and entitled the Compassionate Use Act of 1996 ("the Compassionate Use Act"); and

WHEREAS, the Compassionate Use Act made certain provisions of California law prohibiting possession and cultivation of marijuana inapplicable to a qualified patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical use of the patient upon the recommendation of a physician, and prohibiting the criminal prosecution or punishment of a physician for having recommended marijuana to a patient for medical purposes; and

WHEREAS, thereafter, the Legislature of the State of California enacted Senate Bill 420 (the "Medical Marijuana Program"), codified as California Health and Safety Code § 11362.7 et seq., which required the State Department of Health Services to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and primary caregivers, and prohibits the arrest of a qualified patient or a primary caregiver with a valid identification card for the possession, transportation, delivery, or cultivation of medical marijuana; and

WHEREAS, in 2015, the Legislature of the State of California enacted Senate Bill 643 and Assembly Bills 266 and 243 (collectively called the "Medical Marijuana Regulation and Safety Act") establishing a comprehensive statewide regulatory scheme related to medical marijuana, and authorizing the State of California to license and regulate commercial medical marijuana activities such as cultivation, testing, distribution and delivery; and

WHEREAS, in response to the Medical Marijuana Regulation and Safety Act, the City Council adopted Ordinance No. 1480 banning commercial medical marijuana activities and prohibiting medical marijuana delivery within the city of Palmdale; and

WHEREAS, on November 8, 2016, the People of the State of California approved the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"), which purports to

“establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of marijuana.”

WHEREAS, in June of 2017, Senate Bill 94 consolidated the regulatory schemes governing medical and recreational uses of marijuana, now referred to as “cannabis,” into a single regulatory and licensing scheme called the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and

WHEREAS, notwithstanding the passage of the Compassionate Use Act; the Medical Marijuana Program; the Medical Marijuana Regulation and Safety Act; the Control, Regulate and Tax Adult Use of Marijuana Act; and the Medicinal and Adult-Use Cannabis Regulation and Safety Act; the cultivation, possession, and use of marijuana is prohibited by the Controlled Substances Act, 21 U.S.C. § 841; and

WHEREAS, neither the Compassionate Use Act; the Medical Marijuana Program; the Medical Marijuana Regulation and Safety Act; the Control, Regulate and Tax Adult Use of Marijuana Act; nor the Medicinal and Adult-Use Cannabis Regulation and Safety Act require cities to allow commercial cannabis land uses or activities such as cultivation, processing, testing and/or distributing cannabis; and

WHEREAS, in 2008, the City of Palmdale expressly prohibited medical marijuana dispensaries, citing reported negative secondary effects in communities, which effects included: illegal drug activity and drug sales in the vicinity of dispensaries; robbery of persons leaving dispensaries; driving under the influence of a controlled substance by persons who have obtained marijuana from a dispensary; persons acquiring marijuana from a dispensary and then selling it to a non-qualified person; burglaries and robberies; and an increase in vacancies in the commercial areas in the vicinity of such businesses; and

WHEREAS, in 2016, the City of Palmdale expressly prohibited all commercial marijuana activities and directed the State of California Department of Food and Agriculture not to issue a state license to cultivate, manufacture, test, dispense, sell, or distribute marijuana within the City of Palmdale; and

WHEREAS, while the City may continue to prohibit outdoor cultivation and commercial indoor cultivation, it is cognizant that it may not prohibit private indoor cultivation of up to six living marijuana plants within a person’s private residence; and

WHEREAS, the City of Palmdale intends to continue to prohibit commercial cannabis activities for the preservation and protection of the public health, safety and welfare of the City and its citizenry.

THE CITY COUNCIL OF THE CITY OF PALMDALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.05 "Medical Marijuana Dispensaries" is hereby amended and replaced with the following:

Chapter 5.05

Cannabis

Sections:

5.05.010	Purpose and findings.
5.05.020	Definitions.
5.05.030	Commercial cannabis activities prohibited.
5.05.040	Cannabis delivery prohibited.
5.05.050	Cannabis cultivation prohibited.
5.05.060	Use or activity prohibited by state or federal law.
5.05.070	Public Nuisance.
5.05.080	Enforcement.

5.05.010 Purpose and findings.

A. The City Council finds that prohibitions on commercial cannabis activities, including, but not limited to, cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery and sale of cannabis, are necessary for the preservation and protection of the public health, safety and welfare of the City and its citizenry. The City of Palmdale is authorized by its Charter and state law to prohibit such activities.

B. The City Council finds that it is the intent of the City Council, in adopting these prohibitions, to retain local control over all commercial cannabis activities.

C. The City Council finds that this chapter expressly prohibits the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery and sale of cannabis within the city of Palmdale.

D. It is the intent and desire of the City Council of the City of Palmdale that the State of California Department of Food and Agriculture not approve, pursuant to California Business and Professions Code Section 26055(d), any application for a state license for any commercial cannabis activity within the city of Palmdale.

5.05.020 Definitions. Except as otherwise expressly set forth herein, the following words and terms as used in this chapter shall have the following meanings:

A. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

"Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

B. "Cannabis Products" means Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

C. "Commercial Cannabis Activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of Cannabis or Cannabis Products.

D. "Cultivate" or "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis. For purposes of this Chapter, "Cultivate" or "Cultivation" shall not include the indoor personal cultivation of Cannabis pursuant to California Health & Safety Code Section 11362.1(a)(3), provided that such activity is done in compliance with California Health & Safety Code Section 11362.2 and any other applicable state or local regulations.

E. "Deliver" or "Delivery" means the commercial transfer of Cannabis or Cannabis Products to a customer. "Deliver" or "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

5.05.030 Commercial cannabis activities prohibited. It shall be unlawful for any person or entity to own, manage, conduct, or operate any Commercial Cannabis Activity or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any Commercial Cannabis Activity in the city of Palmdale.

5.05.040 Cannabis delivery prohibited. It shall be unlawful for any person or entity to Deliver Cannabis or Cannabis Products in the city of Palmdale.

5.05.050 Cannabis cultivation prohibited.

A. It shall be unlawful for any person or entity to Cultivate Cannabis in the city of Palmdale.

5.05.060 Use or activity prohibited by state or federal law. Nothing contained in this chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.

5.05.070 Public nuisance. Any violation of this chapter is hereby declared to be a public nuisance.

5.05.080 Enforcement. Any person violating any of the provisions of this chapter shall be punishable as set forth in Title 1 of this Code. Where the conduct constituting the violation is of a continuing nature, each day that the conduct continues shall be deemed a separate and distinct violation.

SECTION 2. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

SECTION 3. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061 (b)(3) because it has no potential for causing a significant effect on the environment.

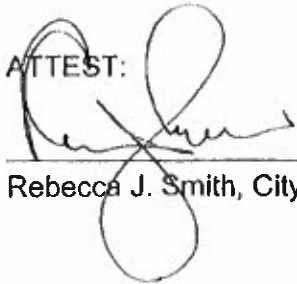
SECTION 4. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance to be published or posted as required by law.

PASSED, APPROVED and ADOPTED this third day of October, 2017 effective on the third day of November, 2017 by the following vote:

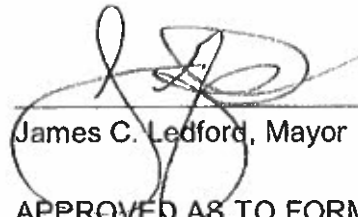
AYES: Ledford, Hofbauer, Bettencourt, Carrillo, Bishop

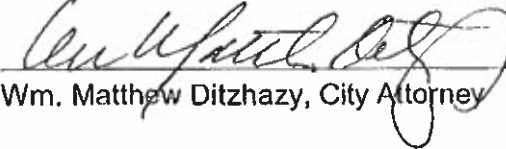
NOES: None

ABSTAIN: None ABSENT: None

ATTEST:


Rebecca J. Smith, City Clerk



James C. Ledford, Mayor
APPROVED AS TO FORM:


Wm. Matthew Ditzhazy, City Attorney



PALMDALE
a place to call home

CITY COUNCIL

CLERK'S CERTIFICATE

I, Rochelle Scott, Deputy City Clerk of the City of Palmdale, State of California, do hereby certify as follows:

The attached is a full, true, and correct copy of Ordinance No. 1504 duly adopted at the Regular meeting of the City Council of the City of Palmdale duly held at the Regular meeting place thereof, on October 3, 2017 at which meeting all of the members of said City Council had due notice and at which a majority thereof was present.

I further certify that I have carefully compared the same with the original Ordinance No. 1504 on file and of record in my office and that said Ordinance No. 1504 is a full, true, and correct copy of the original Ordinance No. 1504 adopted at said meeting.

At said meeting, Ordinance No. 1504 was adopted by the following vote:

AYES: Mayor Ledford, and Councilmembers Hofbauer, Bettencourt, Carrillo, and Bishop

NOES: None

ABSTAIN: None

ABSENT: None

WITNESS my hand and the seal of the City of Palmdale this 30th day of January, 2020.


Rochelle Scott
Deputy City Clerk

STEVEN D. HOFBAUER
Mayor

RICHARD J. LOA
Mayor Pro Tem

LAURA BETTENCOURT
Councilmember

AUSTIN BISHOP
Councilmember

JUAN CARRILLO
Councilmember

38300 Sierra Highway

Palmdale, CA 93550-4798

Tel: 661/267-5100

Fax: 661/267-5122

TDD: 661/267-5167

Auxiliary aids provided for

communication accessibility

upon 72 hours notice and request.

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EXHIBIT 24

CITY OF PATTERSON

ORDINANCE NO. 806

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PATTERSON
AMENDING CHAPTER 6.56, MARIJUANA CULTIVATION, DELIVERY AND
DISPENSARIES, OF, AND ADDING CHAPTER 6.57, CANNABIS FOR PERSONAL
USE TO, TITLE 6, HEALTH AND SAFETY, OF THE PATTERSON MUNICIPAL
CODE, TO REGULATE CANNABIS**

WHEREAS, on October 9, 2015, Governor Jerry Brown signed three bills into law (Assembly Bill 266, Assembly Bill 243, and Senate Bill 643), which are collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"). MCRSA established the first statewide regulatory system for medical cannabis businesses; and

WHEREAS, in 2016, the voters of California approved Proposition 64 entitled the "Control, Regulate and Tax Adult Use of Marijuana" ("AUMA"). AUMA legalized the adult-use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six cannabis plants within a private residence; and

WHEREAS, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), which created a single regulatory scheme for both medical and adult-use cannabis businesses. MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity may operate in a particular jurisdiction; and

WHEREAS, the City Council finds that (1) regulating the personal cultivation of adult-use cannabis is appropriate; (2) outdoor cannabis cultivation, whether for medicinal or adult-use purposes, can adversely affect the health, safety, and well-being of city residents and shall be prohibited both commercially and personally; and (3) a Cannabis Pilot Program to regulate a small number of cannabis businesses is proper to determine whether if in the long-term these businesses are proper for the community; and

WHEREAS, the City Council of the City of Patterson finds that this ordinance is in the best interest of the health, welfare, and safety of the public.

**NOW, THEREFORE THE CITY OF PATTERSON CITY COUNCIL DOES ORDAIN AS
FOLLOWS:**

SECTION 1: Chapter 6.56, Marijuana Cultivation, Delivery and Dispensaries, of the Patterson Municipal Code is hereby deleted in its entirety and amended to read as follows:

Chapter 6.56. Cannabis Business Pilot Program.

6.56.010 Purpose.

- A. The purpose and intent of this Code is to establish a cannabis business pilot program containing a comprehensive set of regulations with regulatory permits applicable to the operation of cannabis businesses and to protect the health, safety, and welfare of the residents of the City of Patterson. It is the intent of the city to encourage responsible commercial cannabis activities and to discourage violations of related state laws, especially those that prohibit the sale, use, or distribution of cannabis and cannabis products to minors. It is not the intent of the city to expand, reduce, or alter the penalties for violations of state cannabis laws.
- B. The city finds and declares that the outdoor cultivation of cannabis can adversely affect the health, safety, and well-being of city residents by increasing the risks of criminal activity, degradation of the natural environment, malodorous smells that may result from such activities.
- C. This chapter is not intended to conflict with federal or state law, nor is this chapter intended to answer or invite litigation over the unresolved legal questions posed by the existing conflict between state and federal law regarding the legality of cannabis. It is the intention of the city council that this chapter be interpreted to be compatible with existing federal and state enactments and in furtherance of the public purposes that those enactments encompass.

6.56.020 Definitions.

- A. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- B. "Cannabis business" means any business engaged in commercial cannabis activity. "Cannabis business" does not include any of the following:
 - 1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.

2. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
 3. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
 4. A residential hospice or a home health agency licensed pursuant to Chapter 8 and Chapter 8.5 of Division 2 of the Health and Safety Code.
 5. The cultivation, delivery, gift, or furnishing of cannabis by a qualified patient, a primary caregiver, or other person with an identification card as defined by Section 11362.7 of Health and Safety Code provided such activity complies strictly with all applicable state law, including but not limited to, Sections 11362.5 and 11362.765 of the Health and Safety Code.
- C. "Cannabis cultivation business" means any cannabis business that, pursuant to a Type 1, Type 1A, Type 1B, Type 1C, Type 2, Type 2A, Type 2B, Type 3, Type 3A, Type 3B, Type 4, Type 5, Type 5A, Type 5B, or Type 12 state cannabis license, cultivates cannabis or cannabis products.
 - D. "Cannabis delivery business" means any cannabis business that, pursuant to a Type 10 state cannabis license, delivers, makes available, or distributes cannabis and cannabis products to a consumer.
 - E. "Cannabis manufacturing business" means any cannabis business that, pursuant to a Type 6, Type 7, or Type 12 state cannabis licenses manufactures cannabis or cannabis products.
 - F. "Cannabis product" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
 - G. "Cannabis testing laboratory" means a cannabis business that tests cannabis or cannabis products pursuant to a Type 8 state cannabis license.
 - H. "Commercial cannabis activity" includes the cultivation, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis or cannabis products that requires a state license.
 - I. "Commercial cannabis waste" means cannabis plants and plant materials that are discarded by a cannabis business, including but not limited to extra vegetative plants, failed clones, and harvest waste.
 - J. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
 - K. "Dispensary" means any cannabis business where medicinal or adult-use cannabis or cannabis products are sold at retail to customers, pursuant to a Type 10 state cannabis license.

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EXHIBIT 25

