

**Democrats of Napa Valley
General Meeting
Minutes, January 21, 2019
5:45 p.m. – 7:05 p.m.
Napa Public Library**

DONV Officers Present

Terry Beck, Chris Benz, Richard Bruns – Secretary, Kelly Hurst – Treasurer, Conchita Marusich, Karen McNair – Vice President, Johanna O'Kelley – President, Kimberly Richard

Scheduled speakers and topics include:

Supervisor Ryan Gregory; Scott Sedgely, Napa Vice Mayor; Geoff Ellsworth, St. Helena Mayor; Chris Canning, Calistoga Mayor; Brent Cooper, American Canyon Community Development Director; Alicia Rose for the Napa Valley Cannabis Association; Chief Oscar Ortiz, American Canyon Chief of Police.

I. **CALL TO ORDER AND INTRODUCTORY REMARKS** - Meeting opened at 5:45 p.m.

II. **ADOPTION OF AGENDA** -- G Anthony Phillips moved to adopt the Agenda, passed

III. **APPROVAL OF MINUTES OF LAST MEETING 11/19/18** -- Karen McNair moved to accept minutes of last general meeting; **Kerry Aman** seconded. Motion Carried

IV. **TREASURER'S REPORT** - Kelly Hurst updated financial accounts of the DONV:

December Income:	\$1,036.11
December outlay:	\$ 772.25
Balance:	\$ 263.86
Checking:	\$7,942.82
Savings	\$3,017.54

V. ANNOUNCEMENTS

The next general meeting is scheduled for Monday Feb. 18 at Library
[Rescheduled to Monday Feb. 25 insofar as Feb. 18 is Presidents' Day, a national holiday.]

The Executive Committee Meeting is February 5 @5:30 at Compadres Restaurant.
[Re-located to Napa Sports Bar & Restaurant]

February 13, Tuesday, there will be a Citizenship workshop on Citizenship legal services workshop for people interested in acting in a volunteer capacity in working with citizenship

applicants, tutor training for volunteers. Held at McPherson Elementary School, RSVP required at napavalleydems.org. 6-8 p.m. orientation, dinner provided.

VI. **CANNABIS IN NAPA VALLEY: GROWING PAINS**

Moderated by DONV Vice President Karen McNair.

Format: Each panelist has five minutes to introduce themselves and discuss their relevance to Napa City and County Marijuana issues including retail and medical use licensing. Following the final panelist's comments, Questions will be accepted from the audience.

ALICIA ROSE –

A founding member of the Napa Valley Cannabis Association. She has her own Cannabis Company. Advocates are working to establish the same quality criteria and reputation as Napa fine wines. According to her experience, there is overwhelming business support for integrating and diversifying the cannabis and wine industries by be sure regulations insure top standards for both products.

Advocates believe there is plenty of room for developing another agricultural product in a world famous agricultural region. A proposed ordinance has been submitted to the County Board of Supervisors addressing the complex issues of a County-wide industry. We believe it is a great start in opening the dialogue for a positive Cannabis outcome in the County in response to the County-wide majority mandate favoring growth and sales of Cannabis products.

In addition to the building of good regulations' in order to protect both consumer and producer, such attention will also help undermine any or most black-market efforts locally.

A well-regulated production plan and marketing plan will help the country fulfill mandated regulations such as restricted sales to minors, that products are absent of toxins and maintain consistent quality per product definition, etc.

The USDA regulations governing product and sales of Cannabis exceeds the regulations and definitions of organic agricultural products.

Other counties such as Mendocino and Lake Counties, and in Santa Rosa, Solano (Vallejo) and Sonoma City in Sonoma County, have successfully opened dispensaries both for retail and medical sales.

It's a very complex network of laws, regulations and business interactions which requires the cooperation of city and County governments as well as continued research into other areas' successes, or failures.

COUNTY SUPERVISOR RYAN GREGORY –

State Proposition 64 allows six plants per person can be grown inside and/or outside. The County has jurisdiction on implementation of the plant grow rules, taking into consideration local circumstances. The County in late 2018 determined that six plants can be grown, but only outdoors. Citing the need to have some oversight, the supervisors noted that there would be no practical way to determine the number of plants grown indoors ... it could be a whole house full

using grow-lights, and no way to enforce the six plant max. So, six plants are okay, but they must be grown with sunlight outside rather than artificial lights inside.

The reality is that regulations for medical dispensaries and recreation dispensaries have essentially merged ... the County feels that dispensaries should serve both sales markets.

Retail sales should be confined to city / town venues whereas commercial cultivation should be appropriately restricted to County agricultural districts.

Research in states who already have leaped into the process of growth and sales (Colorado and Washington state) indicated a number of errors made by, in essence, going too swiftly. Supervisors' research has benefited from finding out what worked for these states and what didn't, or hasn't.

Our general plan is to go slowly, step by step, with the intent of minimizing errors and seeing what works for our country, and what won't, or doesn't. The discussion is still ongoing on the Board (of Supervisors) ... the moratorium on implementing some kind of plan continues until December . and that's pretty much where we are.

How these plans work out at the County level as well as the state level, should be and we are acting as such, a state concern. It is an issue of state's rights over Federal, which is being supported by Republican states as well as more progressive Democratic states.

CALISTOGA MAYOR CHRIS CANNING

Proposition 64 was passed in 2016. In Calistoga in 2017, QUOTE "two of your six plants" UNQUOTE were approved for cultivation outdoors, with a proviso that if there were no complaints, we would look at increasing the number of growable plants.

There were no complaints so in 2018; we increased the number of outdoor plants to four, and although we're not as aggressive as the County, we'll get to six eventually.

What is important for the public to know is that since 2016 there have been "zero" complaints regarding outdoor growth for private use.

The reality is, that although two plants were legally authorized in 2017, we also know there has been outdoor cultivation in Calistoga for decades [laughter] ... and of those decades, specifically in the last five years, there has been only one complaint ... so, as long as you're a 'good neighbor' there doesn't seem to be a problem.

There is still a restriction on dispensaries in Calistoga as a result of a ten year old ordinance. The idea was, if Cannabis gets to the point of discussing sales, that concern would be addressed at the time.

QUOTE:

"As I sit before you today, I have not received a single request in the last 30 days for a dispensary in Calistoga."

UNQUOTE!

The reasons for that ... there's a couple ... is we allow for outdoor cultivation. This takes care of most supplies. It's not legal to sell the unlicensed product, but there's a lot of trade that goes on which cannot be easily regulated.

Also, we allow delivery of purchased products from other sources, for medical or recreational intent.

Another impactful feature is our proximity to Santa Rosa. Although we are a hub of travel in North Napa County, we are closer to Santa Rosa than to Napa the town so most commercial activity goes that way. Plus, the nearest equivalent retail venues currently are actually farther away, in Vallejo.

Based on site restrictions, there are only three places in Calistoga that a dispensary could be built, and two of those are no-goes right away because of traffic flow. The third one may be some day, could be ... but with a lack of demand for development, there's really not a need for progressing in that area at this time.

Based on our research, the industry dispensaries should not and will not be in County associated with wineries and tasting rooms.

Further, research shows, especially that from Colorado, that industry is not a "tourist driver" ... people don't come to the area because of Marijuana dispensaries; but it is a "tourist complimenter" ... it's nice for those who are visiting, and are interested.

Calistoga has had requests for PCB "enhanced spa treatments" for the spa industry, which is interesting. Legislation is a little fuzzy on this point ... how do you not have dispensaries in Calistoga but have spas offering PCB treatments to clientele? Calistoga City Council is okay with that, but there has to be a legal mechanism by which this can be set in place.

In 2016, everyone was excited; they wanted a dispensary on every corner. Now in 2019, it seems everyone is happy with the opportunity to grow their own. **QUOTE** "And with that being said, we will be very happy for one or two or three or four dispensaries being opened in Napa." **UNQUOTE!** *[laughter]*

MAYOR OF ST. HELENA GEOFF ELLSBERG

St. Helena is in a holding pattern. A year ago, the County did a round table with County and the cities getting together and co-chaired by Chris (Cannon) and Ryan (Gregory), and it was great for two reasons: to look at the Cannabis Issue, But also the idea of regional collaboration. If we worked together and communicate, we can get a better balance with everything we do ... and hopefully can move forward with more of these kinds of meetings.

Upvalley, they're trying to figure out what we want to do in terms of dispensaries. **QUOTE** "Personally, I'm thinking we want to see what happens in Napa. Napa has more areas, more roads, and maybe more margins for error; I'm always a fan for moving cautiously. We have delivery acceptable in St. Helena, and also growing plants residentially: six plants, two outside." **UNQUOTE**

St. Helena feels this was sort of an introduction; they want to hear from the County; Ellsberg's very interested in looking at the drafting of the ordinance. Ellsberg is very hopeful this will be resolved without going to an initiative; that the County supervisors can craft something we all can live with without having it go to initiative. He's also very hopeful that round table discussions and cross jurisdictional meetings can come to a solution. If it goes to an initiative process, then things get more "locked in" and if things don't work out it more difficult to fix.

Ellsberg believes there are a lot of benefits to Cannabis, both recreational and medicinal. He also thinks that we have to remember that it is an intoxicant like wine, and like wine, it can be misused or over used. The combination of use can have serious effects to he user. And we must have oversight for young people's using it illegally, under age.

So St. Helena feels the need to move forward cautiously; it was voted in by the people, but there are a lot of cautions.

Ellsberg has a concern about small independent growers being cut out by large commercial organizations; "I have the same fear in the wine industry, that small, independent growers are up against large corporations."

So he hopes that there a discussion within the industry ... and hopes it happens in the wine industry, too ... will help decide, "How do we "collectivize" as a community ... to protect residents; protect small independent growers and independent vintners so that wherever these business are they don't get swallowed up by bigger businesses."

Ellsberg hopes there can be more of these County round table discussion; most of the people in the County, live in the cities; so these cities have to be a major part of the discussion. I'm hoping this will get us to this County-wide ordinance.

There are additional worries about water, mostly in the way our cities protect our reservoirs. He doesn't think we have the same level of water security as other Bay Area communities that have well-protected water sheds such as Hetch-Hetchie and areas like that.

QUOTE "So, I have concerns, but I'm cautiously optimistic that we can move forward."

UNQUOTE

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SCOTT SEDGELY NAPA VICE MAYOR

Scott Sedgely notes that he became a City Council member in 2012 and at that time, an ordinance was in place, approved on a 5-0 vote in 2010. The ordinance was an approval for medicinal use yet despite approval, the Feds, the State and other authorities couldn't seem to get together on a package that was approved by voters on Proposition 64 only two years ago.

"It boggles my mind that we can't seem to get it together."

In Bend Oregon they are really into craft beers, so there are a lot of these little craft breweries around. There's also a half dozen or so dispensaries right down town; so they all work together, collectively. Everybody all work together; it's an amazing community.

Sedgely asks, "What is missing in Napa that we can't achieve something similar?"

Sedgely notes that he is a product of the Sixties, and they showed us *Reefer Madness*, and these crazy things; well, it really didn't turn out that way, in his opinion. And the ordinance was passed in 2010, and then the Federal Government mentioned it as Schedule 1 Narcotics, and the Attorney General at the time, Eric Holder, started messing with things. They started raiding some dispensaries in Oakland and elsewhere, and started threatening elected officials, "Oh, we'll put you in jail ..." for allowing dispensaries against Federal Law. So it was a big scare, and the Council backed off. Our ordinance was put into moratorium and then finally expired.

So, later with new members on Council, they created a new ordinance, but the caveat is, it's medicinal only. It was a start, and we approved it through a zoning process where we could for an industrial zone, a medical office zone and a light industrial zone.

These were restrictive zones where a dispensaries had to be a 1,000 feet of youth servicing institutions ... it could be a dance studio that operates once a week, but if it serves youth, it couldn't be allowed. A lot of good business people with good business plans came to us and said that this was not achievable, so we reduced the distance to 600 feet and allowed for impenetrable barriers like highway 29 to mitigate some distance requirements, e.g., if the other side of the highway was only 500 feet away.

Sedgely noted, So we (City Council) had nine applications; three permits were issued; and one dispensary has opened in Napa. The other two we know are in process; part of the issue is parking. An available location might be in an industrial zone which was not designed for retail traffic, and so the parking is not adequate. So some of these potential sites have dropped away because of the parking.

QUOTE "We are making progress. We've allowed the six outdoor plants, and like the Mayor of Calistoga noted, we did not receive a lot of complaints." **UNQUOTE**

Sedgely is a 30 year fire department veteran, and "I could see what indoor grows do." He pointed out that it seems absurd that there is a homeless problem in Napa but it would be okay to grow Cannabis in a spare bedroom. So he lobbied heavily for six outdoor plants being acceptable, and that's how the ordinance came out. Napa jumped to six plants right away, and so far there hasn't been a problem.

Manufacture of certain other products are allowed, such as salves and similar medicinal products, within these zoning areas. The County looks to provide the retail outlets in the cities; the City looks to the County to provide for commercial cultivation in the County.

Sedgely said that it's not likely that anyone is going to purchase land to grow Cannabis when you can grow Cabernet for \$20 thousand a ton...I just don't see the conversion of prime grape growing land to growth of Cannabis, ...but I might be wrong.

Sedgely notes in closing that progress has been made, and there is progress yet to be made.

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BRENT COOPER: AMERICAN CANYON COMMUNITY DEVELOPMENT DIRECTOR

The American Canyon City Council adopted an ordinance in October after a year and a half of discussion and community outreach.

“We found that the community is pretty much divided about fifty/fifty for and against commercial uses of Cannabis, many of them with Very strong feelings for or against So, it was very difficult to craft an ordinance that would make folks happy.”

It was up to Cooper to talk to any organization that would listen to him to find out, "If NO, Why not? or If So, Why so?" So that we could drill down and find out what really matters to people, so we could address those issues when we craft the ordinance. So when the council crafted the ordinance, there was no real opposition ...I won't say there wasn't any skepticism ... but there was no opposition to the ordinance.

What was adopted was to recognize no distinction between medical cannabis and recreational.

The Council crafted the ordinance parallel to what is allowed in the state and you can get pretty much anything in American Canyon that you can get in the state, with the exception of outdoor commercial and outdoor personal grow, and storefront retail (also called dispensaries). This is allowed by industrial zoning and compromises upwards of 650 acres of possible access.

Various workshops have been held to determine implementation procedures, rules, and explain them to interested parties. The city council established a 45 day application period to run from July 15 and will run March 1 [*SECRETARY NOTE: how is this a 45 day period? Did he mean January 15?*]

"So, we will see what happens."

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AMERICAN CANYON POLICE CHIEF ORTIZ

QUOTE “I've been invited to speak to driving under the influence. We've gotten very good at at DUI investigations. We've been doing it for years and the tests are reliable. It doesn't take a Sherlock Holmes to determine when a driver is really drunk.”

But there are skill levels in determining DUIs. Where the skill set comes in is when the alcohol levels are lower, from .08 or lower, in many instances at first glance can seem almost like sobriety. It takes a certain skill level to make determinations of impairment. The National Highway Safety Administration has tested and vetted and researched and tested several field sobriety tests and we have three that, with training, can pick up even mild clues of impairment by under the influence drivers.

That being said, we do not have that for Cannabis. There aren't a series of National Highway Safety Administration tests that are designed to pick up clues of impairment by people who have been using Cannabis.

So we use the same three we use for alcohol, but as you can imagine, we need to also use a much higher level of training. The drug recognition expert represents the highest level of training. To give you an example of the level of training that represents, in the Sheriff's Department of 110, there are three experts with that training, which represents hundreds of hours of training. I don't know the number for the Napa Police Department, but it's less than four.

In American Canyon we had four-hour training to familiarize officers with the application of the three tests for DUI as applied to Cannabis. The four hours training resulted from tests and surveys based across police departments nationally, over several years.

We don't have a comparable blood test like for alcohol, which has a legislated blood level for impairment. Research indicated that often people with high THC blood levels were not impaired while others with low THC blood levels gave indications of impairment.

What you can get from blood tests is "recent use," depending on the degree of metabolized THC vs unmetabolized THC.

What's happening now is improvement on recent use tests, geared towards evaluating impairment. They don't really tell if a driver is impaired; we have to use our skills and training to help make evaluations and development evidence of impairment.

That's where it's at now. It's a challenge. There is more research being done, commissioned by the National Highway Safety Administration, and the UC San Diego is helping to develop tests for the field that we can use.

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At this point, questions were fielded from the audience. Some addressed clarification of points discussed. Others sought answers to concerns not directly addressed by panelists. Questions and responses took up approximately thirty minutes.

VII. ADJOURNMENT TO NEXT GENERAL MEETING; Monday, February 18, 2019, 5:30 pm, Napa Public Library

[NOTE: The Feb. 19 meeting has been rescheduled to Monday, February 25, due to Presidents' Day, a holiday. The Library is closed on that day.]