

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9090-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
SUSPENDING THE MEDICAL MARIJUANA DISPENSARY REGISTRATION PROCESS

WHEREAS, on October 14, 2008, the City Council adopted Ordinance No. 2734, currently codified in Section 9.16.020.100 of the Garden Grove Municipal Code, prohibiting medical marijuana dispensaries throughout the city of Garden Grove;

WHEREAS, in 2011, the City Council adopted Ordinance No. 2797-A (Chapter 5.80) and Ordinance No. 2798-A (Chapter 5.85) of the Garden Grove Municipal Code (collectively referred to herein as the "Registration Ordinance");

WHEREAS, the Registration Ordinance established June 30, 2011, as the date by which a medical marijuana dispensary must have been established and operating in the city in order to be potentially eligible for a future permit to legally operate in the city and established a process for the registration of such medical marijuana dispensaries pending the consideration of a medical marijuana regulatory program by the City Council;

WHEREAS, the Registration Ordinance clearly provides that the City's prohibition on medical marijuana dispensaries remains in effect unless and until the City Council adopts an ordinance authorizing the operation of such dispensaries. To date, the City Council has not adopted such an authorization;

WHEREAS, recent legal developments call into question cities' ability to enact regulatory programs permitting medical marijuana dispensaries;

WHEREAS, these recent developments include, without limitation: (1) the U.S. Department of Justice's recent enforcement actions in California, including warnings from the Department of Justice to public officials that actions taken in establishing regulatory medical marijuana dispensary programs may violate federal law, and (2) the Second District Court of Appeal's decision in *Pack v. Superior Court*, holding that the City of Long Beach's regulatory ordinance affirmatively permitting medical marijuana dispensaries is preempted by federal law; and

WHEREAS, in light of these recent developments and the present legal uncertainty regarding cities' authority to enact regulatory programs permitting medical marijuana dispensaries, it is not in the City's interest at this time to continue to expend its limited resources to develop a regulatory program or to complete the process of registering medical marijuana dispensaries pursuant to the Registration Ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. The process for registration of medical marijuana dispensaries as provided for in Sections 5.80.050 and 5.85.050 of the Garden Grove Municipal Code, including any related pending administrative proceedings, shall be suspended immediately.

SECTION 2. Except as expressly provided in Section 1, above, this Resolution is not intended to modify or affect the rights or obligations of any person pursuant to Chapter 5.80, Chapter 5.85, and/or Section 9.16.020.100 of the Garden Grove Municipal Code.

Adopted this 17<sup>th</sup> day of January 2012.

ATTEST:

/s/ WILLIAM J. DALTON  
MAYOR

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) SS:  
CITY OF GARDEN GROVE )

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at an Adjourned Regular Meeting held on the 17<sup>th</sup> day of January 2012, by the following vote:

AYES:     COUNCIL MEMBERS:   (5) BEARD, BROADWATER, JONES, NGUYEN, DALTON  
NOES:     COUNCIL MEMBERS:   (0) NONE  
ABSENT:   COUNCIL MEMBERS:   (0) NONE

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK