

RESOLUTION NO. 156-2010

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

In Opposition to Proposition 19

A Proposal to Legalize Marijuana Under California But Not Federal Law. Permits Local Governments to Regulate and Tax Commercial Production, Distribution, and Sale of Marijuana.

WHEREAS, Proposition 19 proposes to legalize the recreational use of marijuana in California by allowing people 21 years old or older to possess, cultivate, or transport marijuana for personal use, and proposes to permit local governments to regulate and tax the commercial production, distribution, and sale of marijuana; and,

WHEREAS, the marijuana related activities proposed under Proposition 19 would continue to be prohibited under the existing federal laws that both classify marijuana as an illegal substance and provide criminal penalties for various activities related to its use; and,

WHEREAS, currently no other state permits commercial marijuana-related activities for non-medical purposes; and,

WHEREAS, the California Chamber of Commerce opposes the passage of Proposition 19 as it will result in California employers losing millions of dollars in federally funded contracts and grants because they will no longer have the ability to effectively enforce the specific requirements of the federal Drug Free Workplace Act; and,

WHEREAS, the California Police Chiefs Association opposes Proposition 19 as it compromises the safety of our public roadways in its failure to include an objective standard for what constitutes driving under the influence of marijuana; and,

WHEREAS, Proposition 19 purports to authorize local governments to impose new general, excise, or transfer taxes, as well as benefit assessments and fees on authorized marijuana related activities, but does not address that marijuana sales would remain illegal under federal law and ignores that the U.S. Supreme Court has ruled (*Leary v. U.S.* (1969) 359 U.S. 6, *Marchetti v. U.S.* (1969) 390 U.S. 39) that sellers may refuse to pay the tax; and,

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WHEREAS, many of the provisions within Proposition 19 permit, but do not require, the state and local governments to take certain actions related to the regulation and taxation of marijuana, but in its failure to provide even basic guidelines that would establish a level of consistency, Proposition 19 leaves to cities and counties the task of individually regulating marijuana use within their borders.

NOW, THEREFORE, BE IT RESOLVED that the El Dorado County Board of Supervisors finds that the passage of Proposition 19 will compromise the safety of California's roadways, workplaces and communities under the guise as a mechanism to generate tax and fee revenues, does hereby join countless public safety, education, local government and community leaders in opposition to Proposition 19.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 21st day of September, 2010, by the following vote of said Board:

Attest:

Suzanne Allen de Sanchez
Clerk of the Board of Supervisors


Ayes: Knight, Briggs, Nutting, Sweeney, Santiago

Noes: none

Absent: none

By:


Deputy Clerk


Chairman, Board of Supervisors

Norma Santiago

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE: _____

Attest: Suzanne Allen de Sanchez, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____
Deputy Clerk