

**REVISED AGENDA**  
(Revision made to Item 1.E)

TRACY CITY COUNCIL

REGULAR CITY COUNCIL MEETINGS.

**Tuesday, February 05, 2019, 7:00 PM**

City Council Chambers, 333 Civic Center Plaza, Tracy

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

**Americans With Disabilities Act** - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6000) 24 hours prior to the meeting.

**Addressing the Council on Items on the Agenda** - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. Each citizen will be allowed a maximum of five minutes for input or testimony. At the Mayor's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

**Consent Calendar** - All items listed on the Consent Calendar are considered routine and/or consistent with previous Council direction. A motion and roll call vote may enact the entire Consent Calendar. No separate discussion of Consent Calendar items will occur unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

**Addressing the Council on Items not on the Agenda** – The Brown Act prohibits discussion or action on items not on the posted agenda. Members of the public addressing the Council should state their names and addresses for the record, and for contact information. The City Council's Procedures for the Conduct of Public Meetings provide that "Items from the Audience" following the Consent Calendar will be limited to 15 minutes. "Items from the Audience" listed near the end of the agenda will not have a maximum time limit. Each member of the public will be allowed a maximum of five minutes for public input or testimony. However, a maximum time limit of less than five minutes for public input or testimony may be set for "Items from the Audience" depending upon the number of members of the public wishing to provide public input or testimony. The five minute maximum time limit for each member of the public applies to all "Items from the Audience." Any item not on the agenda, brought up by a member of the public shall automatically be referred to staff. In accordance with Council policy, if staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

**Presentations to Council** - Persons who wish to make presentations which may exceed the time limits are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Requests for letters to be read into the record will be granted only upon approval of the majority of the Council. Power Point (or similar) presentations need to be provided to the City Clerk's office at least 24 hours prior to the meeting. All presentations must comply with the applicable time limits. Prior to the presentation, a hard copy of the Power Point (or similar) presentation will be provided to the City Clerk's office for inclusion in the record of the meeting and copies shall be provided to the Council. Failure to comply will result in the presentation being rejected. Any materials distributed, including those distributed within 72 hours of a regular City Council meeting, to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

**Notice** - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
INVOCATION  
ROLL CALL  
PRESENTATIONS

1. EMPLOYEE OF THE MONTH
2. LEGACY FIELDS LEPRINO FOODS GRANT

1. CONSENT CALENDAR

- 1.A. ADOPTION OF JANUARY 15, 2019, CLOSED SESSION AND REGULAR MEETING MINUTES
- 1.B. RECEIVE THE ANNUAL REPORT OF THE YOUTH ADVISORY COMMISSION
- 1.C. RECEIVE THE ANNUAL REPORT OF THE PARKS AND COMMUNITY SERVICES COMMISSION
- 1.D. RECEIVE THE ANNUAL REPORT ON SENIOR SERVICES
- 1.E. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WRT, LLC OF SAN FRANCISCO, CALIFORNIA FOR AN UPDATE TO THE CITYWIDE PARKS, RECREATION AND TRAILS MASTER PLAN (CIP 78179) AND PREPARATION OF NATURE PARK CONCEPTUAL PLAN (CIP 78180), AND APPROVE AN APPROPRIATION OF \$11,000 FROM LMD FUND (F271), \$39,000 FROM GENERAL FUND (F301), AND \$76,000 FROM PROGRAM MANAGEMENT FUND (F391) FOR CIP 78179 IN FY 2018-19
- 1.F. APPROVE A LEASE AGREEMENT WITH COMBINED SOLAR TECHNOLOGIES, INC. AND APPROVE A LEASE AGREEMENT WITH ARNAUDO BROS., LLC FOR DRYING BEDS
- 1.G. AUTHORIZE THE ESTABLISHMENT OF A FOUR-WAY STOP AT THE INTERSECTION OF W. 12th STREET AND BESSIE AVENUE
- 1.H. AWARD A CONSTRUCTION CONTRACT TO PACIFIC EXCAVATION, INC., OF ELK GROVE, CALIFORNIA, FOR THE STREET LIGHT INSTALLATION AND CONDUIT REPAIR PROJECT, CIP 72112 AND CIP 73169, IN THE AMOUNT OF \$181,960, APPROVE A CONTINGENCY AMOUNT OF \$18,190, APPROPRIATE \$88,150 FROM GAS TAX AND UN-FUND GAS TAX FUNDS PREVIOUSLY COMMITTED TO CIP 72086, WITH A TOTAL PROJECT COST OF \$214,150



- 1.I. AUTHORIZE THE PURCHASE OF SPORTS FIELD LIGHTING EQUIPMENT AND SHADE STRUCTURES IN THE AMOUNT OF \$2,923,394 FOR PHASE 1D OF THE LEGACY FIELDS SPORTS COMPLEX CIP 78164 AND ADOPT A RESOLUTION DECLARING INTENTION TO REIMBURSE EXPENDITURES FOR THE LEGACY FIELDS PROJECT FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY AND DIRECTING CERTAIN ACTIONS
- 1.J. APPROVE A NEW CAPITAL IMPROVEMENT PROJECT (CIP) FOR A FIRE DEPARTMENT TRAINING TOWER SITE WITH A NOT TO EXCEED AMOUNT BUDGET OF \$450,000; ACCEPT FUNDING FROM TRACY RURAL FIRE PROTECTION DISTRICT FOR \$200,000 AND APPROPRIATE \$250,000 FROM RESERVES IN THE INTERNAL SERVICE-EQUIPMENT (605) FOR SITE IMPROVEMENTS AT NEI RESERVOIR.
- 1.K. RECEIVE AND APPROVE A REQUEST FROM THE GRAND FOUNDATION TO INCREASE DISCOUNTS FROM TEN PERCENT TO FIFTEEN PERCENT FOR GRAND FOUNDATION MEMBERSHIP LEVELS OF \$1,000 AND GREATER
- 1.L. ESTABLISH A CAPITAL IMPROVEMENT PROJECT FOR THE CONSTRUCTION OF NEW SIDEWALK ALONG TRACY BOULEVARD WITH A NOT TO EXCEED BUDGET OF \$724,581, AUTHORIZE AN APPROPRIATION OF \$66,000 FROM GENERAL FUND CAPITAL FUND (F301) FOR THE CITY'S MATCH OF THE NEW PROJECT, AND APPROVE THE COOPERATIVE AGREEMENT WITH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS FOR THE CITY OF TRACY TO RECEIVE A REIMBURSEMENT OF \$658,581 FOR PROJECT DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT
- 1.M. APPROVE A MAINTENANCE AGREEMENT WITH THE COUNTY OF SAN JOAQUIN AND THE CITY OF TRACY REGARDING THE MAINTENANCE OF A PROPOSED FUTURE RETENTION POND NEAR THE LAMMERS ROAD AND SCHULTE ROAD INTERSECTION, CIP 72068
- 1.N. APPROVE THE REPORT "GOVERNANCE REVIEW: A REVIEW OF GOVERNANCE TRANSITION AND EVALUATED OPTIONS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY" AND REAFFIRM THE RECOMMENDATION AND ACTION TAKEN ON FEBRUARY 20, 2018 TO APPROVE THE FORMATION OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY
2. ITEMS FROM THE AUDIENCE
3. REGULAR AGENDA
  - 3.A. PUBLIC HEARING TO CONSIDER INTRODUCING AN ORDINANCE APPROVING AN AMENDMENT TO THE ELLIS SPECIFIC PLAN FENCE REGULATIONS AND MINIMUM LOT WIDTH REQUIREMENTS

- 3.B. APPROVE AN EMPLOYMENT AGREEMENT BETWEEN MIDORI LICHTWARDT AND THE CITY OF TRACY TO SERVE AS INTERIM CITY MANAGER
- 3.C. RECEIVE AND FILE THE CITY OF TRACY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2018
- 3.D. DISCUSS POTENTIAL REGULATIONS FOR COMMERCIAL CANNABIS ACTIVITY AND PROVIDE DIRECTION TO STAFF
- 3.E. REVIEW AND DISCUSS THE PROPOSED CODE OF ETHICS AND CONDUCT AND CHANGES TO THE CURRENT COUNCIL POLICY C-1 AS RECOMMENDED BY THE CITY COUNCIL SUBCOMMITTEE AND APPROVE THE ENABLING RESOLUTION.
- 4. ITEMS FROM THE AUDIENCE
- 5. STAFF ITEMS
- 6. COUNCIL ITEMS
  - 6.A. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO VACANCIES ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE
  - 6.B. DISCUSS AND PROVIDE DIRECTION ON THE CITY OF TRACY AND THE TRACY CHAMBER OF COMMERCE AS IT RELATES TO THE ANNUAL STATE OF THE CITY EVENT
- 7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**January 15, 2019, 5:45 p.m.**

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Rickman called the meeting to order at 5:45 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Member Vargas, Mayor Pro Tem Young, and Mayor Rickman present. Council Members Arriola and Ransom absent.
3. ITEMS FROM THE AUDIENCE – None.
4. CLOSED SESSION
  - Personnel Matter (Gov. Code, § 54957)  
Public Employee Appointment, Employment, Evaluation of Performance, Discipline, or Dismissal  
Position Title: City Manager
  - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (GOV. CODE § 54956.9)  
Initiation of litigation pursuant to § 54956.9(d)(4). (Two potential cases).
5. RECESS TO CLOSED SESSION - Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to recess the meeting to closed session at 5:46 p.m. Roll call vote found Council Member Vargas, Mayor Pro Tem Young, and Mayor Rickman in favor; passed and so ordered. Council Members Arriola and Ransom absent.  
  
Council Member Arriola arrived at 5:47 p.m.  
  
Council Member Ransom arrived at 5:49 p.m.
6. RECONVENE TO OPEN SESSION – Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to reconvene the meeting into open session. Roll call found all in favor; passed and so ordered. Time: 6:52 p.m.
7. REPORT OF FINAL ACTION – There was no report of final action.

8. ADJOURNMENT – Meeting adjourned at 6:52 p.m.

The agenda was posted at City Hall on January 10, 2019. The above are action minutes.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**January 15, 2019, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

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Mayor Rickman called the meeting to order at 7:00 p.m.

Mayor Rickman led the Pledge of Allegiance.

Pastor Tim Heinrich, Crossroads Baptist Church offered the invocation.

Roll call found Council Members Arriola, Ransom, Vargas, Mayor Pro Tem Young and Mayor Rickman present.

Randall Bradley, City Manager presented Employee of the Month award for January to Tim Rivas, Fire Department

Mayor Rickman presented a Proclamation for Anti-Slavery and Human Trafficking Prevention Month 2019 to Ana Blanco, Human Trafficking Program Manager, Women's Center-Youth & Family Services, Brian Pekari, TUSD Board Member, and Marshall Rose, Tracy Crimestoppers

Mayor Rickman presented a Proclamation for 2019 Year of the American Legion and American Legion Auxiliary to Anne Marie Fuller, President of the American Legion Auxiliary, and Vaughn Gates, Commander of American Legion

Michael Tree, Executive Director at Livermore Amador Valley Transit Authority & Tri-Valley San Joaquin Valley Regional Rail Authority, and Diane Cowen, Project Manager for Valley Link presented an update on the Valley Link project and responded to City Council questions and comments.

1. CONSENT CALENDAR – Following the removal of items 1.B by staff and 1.D by Robert Tanner, motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - A. Approval of December 18, 2018, Special Meeting, Closed Session and Regular Meeting Minutes – **Minutes were adopted**
  - B. Approve Lease Agreements with Combined Solar Technologies, Inc. and Arnaudo Bros., LLC for Drying Beds Located at the Former-Holly Sugar Property – **Item was pulled by staff**
  - C. Accept Subdivision Improvements for Plan "C" – Barcelona Infill, Tract 3803, Constructed by Taylor Morrison of California LLC. – **Resolution 2019-001** accepted the Subdivision Improvements for Plan "C" – Barcelona Infill, Tract 3803
  - E. Adopt Resolution Authorizing the Submittal of an Airport Improvement Program (AIP) Matching Grant Application with the California Department of Transportation and

Authorizing the Mayor to Accept an Allocation of Funds and to Execute the Grant Agreement – **Resolution 2019-002** authorized the submittal of an Airport Improvement Program (AIP) matching Grant Application

- F. Approve Resolution Increasing Compensation and Benefits to be Paid to the City Treasurer – **Resolution 2019-003** approved increasing compensation and benefits to be paid to the City Treasurer
- D. Accept Intersection Improvements at the 11th Street & MacArthur Drive Project, CIP 72069, Federal Project NO. CML-5192(035), Completed by Gradetech, Inc., of San Ramon, California

Robert Tanner pulled the item to express his concerns regarding blocking of traffic by people with bikes, or bikes with trailers attached, when heading eastbound on 11<sup>th</sup> Street and making a right turn on to MacArthur.

**ACTION:** Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-004** accepting the intersection improvements at the 11<sup>th</sup> Street & MacArthur Drive Project, CIP 72069, Federal Project No. CML-5192(035), constructed by Gradetech, Inc., of San Ramon, California, as complete, and authorizing the filing of a Notice of Completion and release of bonds and retention payment. Roll call found all in favor; passed and so ordered.

- 2. ITEMS FROM THE AUDIENCE – Trisha Johnson and Wendy Tochini provided information regarding a Trap-Neuter-Return (TNR) program for Tracy. Ms. Johnson submitted into the record copies of a 2016 Community Cat Proposal for Tracy.

Catherine Hanson Rush and Barbara Pulliam expressed concerns regarding the Tracy Animal Shelter not taking lost and found reports over the telephone and requested that the lost/found policy and shelter operations be improved.

Bethany Neal responded to the Police Departments explanation provided at the December 18, 2018 Council meeting, regarding what happened to Ozzie. Ms. Neal expressed concerns about dogs being euthanized when there are empty kennels and the ability to outreach to rescue. Ms. Neal requested an investigation regarding these issues at the Animal Shelter.

Sheri Savage, Sarah Heinrich, and Carolyn Greyson also expressed their concerns regarding dogs being euthanized prematurely without proper assessment or outreach to rescue.

Martin Evans spoke about kids leaving school yards without helmets, taking dogs to the pound if people can't take care of them, and the area around the hospital being back to residential. Mr. Evans requested the maps put back.

3. CONDUCT A PUBLIC HEARING AND APPROVE BY RESOLUTION THE LICENSE AGREEMENT BETWEEN THE CITY OF TRACY AND AMERICAN LEGION, JAMES McDERMOTT POST NO. 172, INC., AND APPROVE \$30,000 TO BE ALLOCATED DURING THE 2019-2020 BUDGET AUGMENTATION PROCESS FOR PARKING LOT REPAIR, SLURRY SEAL, AND STRIPING

Christine Mabry, Management Analyst provided the staff report.

Mayor Rickman opened the public hearing.

Vaughn Gates, American Legion stated for years the parking lot has been used jointly and the American Legion has maintained it for over 25 years. Mr. Gates appreciated having an agreement with the City.

Mayor Rickman closed the public hearing.

City Council questions and comments followed.

**ACTION:** Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt **Resolution 2019-005** approving the License Agreement between the City of Tracy and American Legion, James McDermott Post No. 172, Inc., and approving \$30,000 to be allocated during the 2019-2020 budget augmentation process for parking lot repair, slurry seal, and striping. Roll call vote found all in favor; passed and so ordered.

4. APPROVE THE CITY OF TRACY 2019 REGIONAL TRANSPORTATION AND LOCAL PROJECT SUBMITTAL FOR CONGRESSIONAL APPROPRIATION REQUESTS DURING SAN JOAQUIN COUNCIL OF GOVERNMENTS' ONE VOICE TRIP TO WASHINGTON D.C.

Andrew Malik, Assistant City Manager presented the staff report.

City Council questions and comments followed.

Michael Tree, Tri-Valley San Joaquin Valley Regional Rail Authority and staff responded to Council questions.

Don Cose expressed his support for the Valley Link project.

Dave Helm expressed his support for the Valley Link project stating it is not a priority, it is essential.

Michael Maciel expressed concerns about pushing the project as a regional priority, the feasibility study being completed to provide data for Council to discuss and make a priority, and losing an opportunity for two projects on behalf of the City.

Bernice King Tingle, Mountain House Community Services Director expressed her support for Valley Link. Ms. Tingle stated it is important that the project be socialized in Washington, and all of the cities should put their effort into this.

Dino Margaros expressed his support for Valley Link project.

City Council comments and questions continued.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Ransom to adopt **Resolution 2019-006** approving the City of Tracy 2019 Regional Transportation and Local Project Submittal for congressional appropriation requests during San Joaquin Council of Governments' One Voice Trip to Washington D.C. Roll call vote found all in favor; passed and so ordered.

5. **ADOPT URGENCY ORDINANCE TEMPORARILY PROHIBITING OUTDOOR CULTIVATION, COMMERCIAL CULTIVATION AND MANUFACTURING, AND SALES AND DELIVERY OF CANNABIS IN THE CITY AND PROVIDE DIRECTION TO STAFF**

Karin Schnaider, Finance Director provided the staff report.

Robert Tanner stated Tracy has had a strong opinion about making cannabis illegal. The sales tax portion did not pass and comments made were if it did not pass the City should reverse its stance. Mr. Tanner suggested the ban on medical and recreational cannabis be made permanent.

Jacy Krogh agreed with the enactment of the urgency ordinance while Council decides what direction to take. Mr. Krogh stated it is time for City Council to make a decision and tell residents what is going to happen regarding cannabis in Tracy.

Vaughn Gates asked City Council not to allow cannabis in Tracy.

Christopher Steele stated he thought Tracy was a business friendly city and this seems to go against the ideology of a free enterprise and business. Mr. Steele added it goes back to black markets and against what voters have approved. Is Tracy business friendly or not.

City Council comments and questions followed.

Staff to start from scratch and bring back in February opportunities for City Council to revisit all the potential options.

Mayor Rickman announced that a four-fifths vote of the City Council is required to enact an urgency ordinance.

Adrienne Richardson, City Clerk read the title of the ordinance

**ACTION:** Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to adopt Ordinance 1265, an urgency ordinance of the City of Tracy prohibiting outdoor cultivation, commercial cultivation and manufacturing, and sales and delivery of marijuana (cannabis). Roll call vote found all in favor; passed and so ordered.



6. ITEMS FROM THE AUDIENCE – Abdul Wahid referred to a report provided at the December 18, 2018 Council meeting regarding the Animal Shelter stating the City is spending over a million dollars for operations. Mr. Wahid added he would like to see the City use technology to resolve Animal Shelter problems to help the operational costs. Mr. Wahid submitted a document into the record titled City of Tracy Pet Tracking Solution.

Mary Mitracos thanked City Council, staff, Public Works and the new arborist Dave Murphy for 20 or more new trees planted along Wall Street.

7. STAFF ITEMS – Randall Bradley, City Manager stated city staff will be at the Farmers Market on Saturday providing information regarding the development of a hazardous mitigation plan and conducting a survey about the plan.
8. COUNCIL ITEMS

A. Appointment of City Council Subcommittee to Interview Applicants to Fill Five Vacancies on the Building Board of Appeals

Adrienne Richardson, City Clerk presented the staff report.

There was no one from the audience wishing to speak.

Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Young to appoint Council Member Ransom and Council Member Arriola to interview applicants to fill five vacancies on the Board of Appeals. Roll call vote found all in favor; passed and so ordered.

B. Review and Determine Appointments to Council Committees

Adrienne Richardson, City Clerk presented the staff report.

Andrew Malik, Assistant City Manager added there is no Tracy representative on the San Joaquin Regional Rail Commission, which is selected by COG, but he had heard there may be a reconsideration of having a Tracy representative on the commission. Mr. Malik suggested providing Council with an opportunity to select a Council representative and an alternate should Tracy regain a seat on the commission.

Robert Tanner stated he attends the South San Joaquin County Fire Authority and pointed out that the board meets on the second Wednesday of each month at 1:00 p.m.

Bernice King Tingle, Tri-Valley- San Joaquin Valley Region Rail Authority member requested reappointment of Council Member Vargas to the Tri-Valley- San Joaquin Valley Region Rail Authority.

Greg Cose endorsed the reappointment of Council Member Vargas to the Tri-Valley- San Joaquin Valley Region Rail Authority.

Betsy Morano expressed support for the reappointment of Council Member Vargas to the Tri-Valley- San Joaquin Valley Region Rail Authority

Michael Maciel shared his concerns regarding reappointment of Council Member Vargas to the Tri-Valley- San Joaquin Valley Region Rail Authority, and urged Council to appoint a Council Member who will work collaboratively throughout the San Joaquin County to move the project forward.

Council Member Vargas responded to Mr. Maciel's allegations.

City Council reviewed the Committees/Commissions and assigned the following:

| <b>Committee/Commission</b>                                 | <b>Council Members</b>                                                      |
|-------------------------------------------------------------|-----------------------------------------------------------------------------|
| City/Chamber Liaison                                        | Council Member Arriola<br>Council Member Ransom (alternate)                 |
| City/Schools Liaison                                        | Mayor Rickman<br>Council Member Arriola                                     |
| Investment Review Committee                                 | Council Member Vargas<br>Council Member Ransom                              |
| South San Joaquin County Fire Authority                     | Mayor Rickman<br>Council Member Ransom<br>Council Member Vargas (Alternate) |
| Tracy Area Public Facilities Financing Agency               | Council Member Vargas<br>Mayor Pro Tem Young                                |
| City Selection Committee                                    | Mayor Rickman                                                               |
| Community Development Block Grant Policy Advisory Committee | Council Member Vargas                                                       |
| Council of Governments                                      | Mayor Rickman<br>Council Member Ransom (Alternate)                          |
| Duel Vocational Institution, Citizen's Advisory Committee   | Council Member Ransom<br>Mayor Pro Tem Young (Alternate)                    |

|                                                                          |                                                                                                                                                                                                           |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| San Joaquin County Water Advisory Commission                             | Kul Sharma<br>Stephanie Reyna-Heinstand                                                                                                                                                                   |
| San Joaquin Partnership                                                  | Council Member Ransom                                                                                                                                                                                     |
| San Joaquin Regional Rail Commission                                     | Mayor Pro Tem Young<br>Council Member Vargas (Alternate)                                                                                                                                                  |
| Solid Waste Management Plan Advisory Task Force                          | Mayor Pro Tem Young<br>Don Scholl                                                                                                                                                                         |
| Special City Selection Committee, SJVAPCD                                | Council Member Vargas<br>Mayor Pro Tem Young (Alternate)                                                                                                                                                  |
| League of California Cities, Central Valley Division Executive Committee | Council Member Ransom<br>Council Member Arriola (Alternate)                                                                                                                                               |
| Joint City/County Criminal Justice Task Force                            | Mayor Pro Tem Young<br>Council Member Vargas (Alternate)                                                                                                                                                  |
| San Joaquin Council of Government's One Voice – Washington               | Mayor Rickman<br>Council Member Ransom<br><br><i>Mayor Pro Tem Young and Council Member Vargas expressed interest in attending also. Staff to check with SJCOG regarding any attendance requirements.</i> |
| Altamont Regional Traffic Authority (ARTA) JPA                           | Mayor Rickman                                                                                                                                                                                             |

Council Member Arriola nominated Council Member Ransom to serve on the Tri-Valley-San Joaquin Valley Regional Rail Authority. Council Member Ransom declined the nomination due to being appointed to a number of committees/commissions. Council Member Ransom nominated Council Member Arriola to serve on the Tri-Valley-San Joaquin Valley Regional Rail Authority. Mayor Pro Tem Young and Mayor Rickman supported the reappointment of Council Member Vargas. Council supported the appointment of Council Member Vargas to the Tri-Valley-San Joaquin Valley Regional Rail Authority.

|                                                        |                             |
|--------------------------------------------------------|-----------------------------|
| Tri-Valley- San Joaquin Valley Regional Rail Authority | Council Member Vargas       |
| LAFCo                                                  | No appointment at this time |
| Tracy Chamber Governmental Affairs Committee           | Council Member Vargas       |

**ACTION:** Motion was made by Mayor Rickman and seconded by Council Member Ransom to approve the 2019 Council Committees. Roll call found all in favor; passed and so ordered.

Council Member Arriola announced he would be attending the new Council Member Academy for the rest of the week, and would be on vacation the following week. Council Member Arriola stated there are people in the community that are furloughed federal workers who are struggling, and requested the suspension or wavier of late fees for City utilities for any furloughed federal workers in the City of Tracy. City Council approved the request.

Randall Bradley, City Manager responded that with Council's direction staff can market that the City Manager has authority to waive those fees and extend timeline before we shut utilities off.

Mayor Pro Tem Young recommended cleaning up some governance policies.

Mayor Rickman stated there are many crab feeds coming up, one being at the Portuguese Hall on the January 19, 2019, and encouraged supporting nonprofits. Mayor Rickman announced Super Diamond performed at the Grand Theatre on Saturday night, and encouraged people to spend time at the Grand Theatre. Mayor Rickman wished everyone a Happy New Year.

Council Member Vargas thanked Council for allowing her to continue to serve on the Latino Caucus and announced her appointment as an executive board member of the Latino Caucus. Besides immigration and advocacy of immigration, the Caucus will be working on affordable housing and attainable housing and will continue to work with the state and federal level to request distribution of funding of critical transportation system especially on the underserved areas as determined by the state. In addition to that is California's housing needs. Council Member Vargas thanked everyone for the vote of confidence and added she will strive to continue to evolve. Council Member Vargas thanked City Manager Randall Bradley for his time serving as City Manager and praised his accomplishments.

Council Member Ransom announced the Police Officer's Association Crab Feed on January 19, and Martin Luther King Jr. holiday on January 21, 2019. The Tracy African American Association along with the Black Student Union of the local high schools will be getting together at Tracy High School for the annual Martin Luther King Jr. breakfast at 8:30 a.m. Council Member Ransom encouraged everyone to get into the spirit of what Martin Luther King Jr. day symbolizes.

Mayor Pro Tem Young congratulated Yolanda Barial Knight for her appointment as the new Tracy African American Association President. Mayor Pro Tem Young announced there is a pancake breakfast on January 19, 2019, at 8:00 a.m. to 11:00 a.m. at the Masonic Temple and the proceeds will benefit the DARE program. In addition, the Chamber of Commerce is having their Awards Recognition Gala on January 25, 2019. Mayor Pro Tem Young thanked Randall Bradley for stepping in as the City Manager.

Council Member Ransom referred to allegations made by the members of the public that rescue only animals can't be adopted and are potentially euthanized, and asked if there is something that can be done while the policy is being reviewed.

Mr. Bradley responded there will be meetings with the Animal Shelter staff again to make sure everything is being done and mistakes are not being made.

Council Member Arriola seconded Council Member Ransom's request.

Mayor Rickman thanked Mr. Bradley for his efforts during his time as City Manager.

9. ADJOURNMENT – Time: 11:29 p.m.

**ACTION:** Motion was made by Council Member Vargas and seconded by Council Member Arriola to adjourn. Roll call vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on January 10, 2019. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

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Mayor

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City Clerk

AGENDA ITEM 1.B

REQUEST

**RECEIVE THE ANNUAL REPORT OF THE YOUTH ADVISORY COMMISSION**

EXECUTIVE SUMMARY

The Youth Advisory Commission was formed by the City Council for the purpose of advising the Council and the Parks and Community Services Commission on providing opportunities for youth to lead and plan recreation and community service activities, with emphasis on youth development, to enhance leadership skills and self-esteem of people, ages 12 to 18 years. This report is an accounting of the Youth Advisory Commission for calendar year 2018 as well as projected goals for calendar year 2019.

DISCUSSION

The Youth Advisory Commission ("YAC" or "Commission") was formed with the purpose of providing youth with an opportunity to make a positive impact in their communities and advising the City Council, Parks and Community Services Commission and staff on matters relating to the welfare of youth in Tracy.

Currently the Youth Advisory Commission has twelve youth Commissioners and one adult Commissioner. Each youth Commissioner represents one of the local high schools. The City is currently in the recruitment process for adult Commissioners and youth Commissioners to fill vacancies that will exist after current youth Commissioners graduate from high school in May and whose terms will be expiring in July. Marketing efforts include: City website, social media, outreach to the various high school and community service clubs, online and print ads in the local newspaper and any interest cards that have been completed with the City Clerk.

- Tracy High School (4 Commissioners)
- Millennium High School (4 Commissioners)
- West High School (3 Commissioners)
- Kimball High School (1 Commissioners)

In 2018, the Youth Advisory Commission had three primary goals as listed below. Under each goal is the status on how successful the commissioners were in completing their objective.

1. Incorporate new events and programs to strengthen relations in the community between youth, teens and seniors.
  - The Commission participated and proposed new programs for teens to interact with youth and seniors in the community. Some of these camps included: Girl Talk, Siblings Watching Siblings and Ready, Set, Bake! The Commissioners also participated at the Lolly Hansen Senior Center with the Intergenerational Program, where they participated in recreation

activities with the seniors. YAC also assisted with the Forever Young Prom event.

2. Connect teens with opportunities to enhance their future.
  - The Commission wanted to work with staff to develop opportunities to raise teen awareness for higher education and future success. The Commission partnered with the Tracy Public Library to host a free SAT/ACT Prep Course in February and to also continue to update their College and Vocational Resource Guide. The guide provides information on colleges and vocational colleges, application deadlines for private, state and universities as well as financial aid and scholarship opportunities.
3. Integrate community service projects to foster community involvement.
  - A primary focus of the Commission is to participate with local organizations and service clubs throughout the community and outreach to teens for participation. The Commission participated in community service projects which included partnering with the City to host an Earth Day event as well as partnering with the City and other local organizations to host the annual Arbor Day event on Make a Difference Day.

The Youth Advisory Commission new and continued goals for 2019 are as follows:

1. Support new events and programs to connect youth, teens and seniors in the community.
  - Select one new teen event, program or camp to develop
  - Develop ideas for new intergenerational programming or events
  - Support the revitalization of the Rollin' Rec Program
2. Participate in opportunities to nurture community involvement through community service projects.
  - Implement one new community service project or activity focusing on teen trends or issues
  - Host three park clean up events
  - Participate in the annual Make a Difference Day project

## STRATEGIC PLAN

This agenda item supports to the Council's Strategic Plan and specifically is in alignment with the following goals and objectives:

### Quality of Life:

**Goal 5:** Improve current recreational, cultural arts and entertainment programming and services to reflect community interests and demands.

**Objective 1:** Develop recreational, cultural arts and entertainment programs and services that reflect community demographics, evaluation feedback, and trends.

Public Safety Strategy:

**Goal 1:** Partner with and engage the community to address public safety concerns.

**Objective 4:** Enhance community engagement through volunteer opportunities.

FISCAL IMPACT

Staff costs related to support of the Youth Advisory Commission are included in the Parks and Recreation Teen Division budget.

RECOMMENDATION

That the City Council accept the annual report of the Youth Advisory Commission.

Prepared by: Amanda Jensen, Recreation Coordinator I  
Jolene Jauregui, Recreation Services Supervisor

Reviewed by: Brian MacDonald, Parks & Recreation Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

Attachment A – Powerpoint Presentation – 2018-2019 YAC Annual Report



AGENDA ITEM 1.C

REQUEST

**RECEIVE THE ANNUAL REPORT OF THE PARKS AND COMMUNITY SERVICES COMMISSION**

EXECUTIVE SUMMARY

The Parks and Community Services Commission was formed by the City Council for the purpose of advising the Council on the planning and development of park and recreation facilities and delivery of recreation and community service programs. At the February 7, 2017 regular City Council meeting, the Council expressed the desire to receive an annual report from all of the City's Commissions to be placed on the consent calendar. This report is an accounting of the Parks and Community Services Commission for FY 17/18 as well as projected goals for FY 18/19.

DISCUSSION

The Parks and Community Services Commission (Parks Commission) was formed with the purpose of providing citizen and community perspective and input, and advising the Council on the planning and development of park and recreation facilities and delivery of recreation and community service programs.

In FY 17/18, the Parks Commission had two primary focus areas as listed below. Under each goal is the status on how successful the commissioners were in completing their objective.

1. COMMUNITY OUTREACH

- 1.A. Ensure representation with the Tracy Friends for Parks, Recreation & Community Services Foundation
  - The Commission assigned a member to participate regularly at the Foundation's meeting.
- 1.B. Ensure representation with the Tracy Senior Association
  - The Commission assigned a member to participate regularly at the Tracy Senior Association's meetings.
- 1.C. Public Outreach at Block Party or other City events twice per year
  - One or more members of the Commission were present at the following City events in 2017/18:
    - Block Parties (3)
    - Blues, Brews & BBQ Event
    - Girls' Night Out (2)
    - Arbor Day Event
- 1.D. Public Outreach at the Farmers' Market twice per year
  - The Commission was unable to provide public outreach at the Farmers' Market due to scheduling conflicts.
- 1.E. Conduct a Special Meeting at the Lolly Hansen Senior Center

- The Commission held a special meeting at the Senior Center on November 8, 2017, to discuss specific needs of the senior community.
- 1.F. Provide monthly reports on the Parks Commission activities to Tracy Unified School District Board of Education
  - One TUSD School Board member participates as a Commissioner.
- 1.G. Conduct Outreach for the Multi-Generational Recreation Center
  - The Commission held a special meeting at West High School on April 11, 2018, to gather input from the community on the amenities for the future Multi-Generation Recreation Center.
- 2. PROGRAM ENHANCEMENT
  - 2.A. Research Adopt-a-Park programs and provide recommendations to the Commission
    - The Commission chose not to pursue this goal at this time.
  - 2.B. Research Park Watch programs and provide recommendations to the Commission
    - The Commission chose not to pursue this goal at this time.

In addition to the above focus areas, in order to make sure that the City is using policies and procedures that are most effective for the users of the City facilities, the Commission participated in the annual review and update of the Sports Field User Handbook.

The Parks Commission has already created and begun working on additional goals for FY 18/19. Their new goals as a commission for FY 18/19 are as follows:

**Focus Area: COMMUNITY OUTREACH**

- Ensure representation with the Tracy Friends for Parks, Recreation & Community Services Foundation
- Ensure representation with the Tracy Senior Association
- Public outreach at community events twice per year
- Public outreach to senior community
- Increase communications with local school districts

**Focus Area: PROGRAM ENHANCEMENT**

- Sponsor and support the revitalization of the Rollin' Rec Program

**STRATEGIC PLAN**

This agenda item relates to the Council's Quality of Life Strategic Plan and is specifically in alignment with the following goals:

Goal 2: Promote Public Health, Safety and Community Welfare throughout the Community.

Goal 5: Improve Current Recreational, Cultural Arts and Entertainment Programming and Services to Reflect Community Interests and Demands.

FISCAL IMPACT

Staff costs related to support of the Parks and Community Services Commission are included in the Parks and Recreation Department General Fund budget.

RECOMMENDATION

That the City Council accept the annual report of the Parks and Community Services Commission.

Prepared by: Christine Mabry, Management Analyst I

Reviewed by: Thien Nguyen, Recreation Services Supervisor

Brian MacDonald, Parks and Recreation Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

AGENDA ITEM 1.D

REQUEST

**RECEIVE THE ANNUAL REPORT ON SENIOR SERVICES**

EXECUTIVE SUMMARY

This report discusses the activities of the Senior Services Program during the previous year, including program highlights and increases in attendance. The report includes an update on senior needs and concerns based on the findings from the annual senior forum and also summarizes the efforts of the Parks and Community Services Commission, which has an active role within the senior community.

DISCUSSION

The Lolly Hansen Senior Center provides a wide variety of programs, services and activities for seniors including educational programs, health and wellness presentations, recreational programs, special events, senior related seminars, and volunteer and intergenerational opportunities. The senior center also serves as a resource hub to connect seniors and their families to services and referrals in coordination with various local agencies. It also offers a daily nutritional lunch offered through the San Joaquin County Department of Aging and Transportation. Most importantly, the senior center is a place for older adults in the Tracy community to gather and socialize.

The City Council named “Quality of Life” as a strategic priority for those living and working in Tracy and the senior center operates with that priority in mind. Staff strives to improve efficiencies, increase satisfaction and uphold the community's values and expectations through its work with the Tracy senior community.

**Programming at Lolly Hansen Senior Center**

Currently 4,467 seniors are registered with the senior center, a 20% increase from last year. In 2018, the senior center provided approximately 44,997 services for these seniors. However, beginning in September there was a slight decrease in services due to the relocation of the Senior Center to the Tracy Community Center during the center's renovation. Some of the classes were modified due to space. Based on feedback from the various community forums, staff has increased programming over the past year, adding several new activities. These activities include two new Health and Wellness classes, eleven recreational classes, eight programs and two social events. “Exhibit A” to this report outlines the senior center's improved program impact numbers through increased offerings for 2017 and 2018.

On November 18, 2014, Council supported staff's recommendation to create “Senior Link–Tracy” to address an alternative way to outreach to seniors regarding their needs and concerns. The Senior Link-Tracy program provides an opportunity for senior citizens in Tracy to voice their concerns, share their needs, and identify resources that will assist them in living full, vibrant and independent lives. In 2018 approximately 129 seniors used this service. Council also supported the Local Senior Resource Guide,

which assists seniors and caregivers in connecting with a wide variety of local resources and non-profit agencies, as well as to City Council and Commissions. The guides can be found at the senior center, City facilities, City website and throughout the community. With this service approximately 369 inquiries were made to connect people to various resources.

### **Parks & Community Services Commission**

The Parks and Community Services Commission (The Commission) acts as an advisory body to the Council in the areas of parks and programming for youth, adults and seniors. The Commission has made it a priority to actively engage seniors in the Tracy community. Staff from the Recreation Division provides a monthly recreation report as well as a quarterly update on senior comments and concerns to the Commission. Staff also meets with the various subcommittees that have been established to meet the Commission's two year goals for FY's 2017/2019.

On May 9, 2018, the yearly "Community Conversation" forum was held with two sessions throughout the day at the Tracy community center and the senior center. There were approximately 14 seniors and community members in attendance. "Exhibit B" to this report outlines the needs and concerns expressed at the forum, with staff responses.

On November 7, 2018, the Commission held a special meeting at the Tracy Community Center to provide seniors the opportunity to address the Commission regarding their needs and concerns. The meeting was held in the early afternoon and approximately 13 seniors were in attendance. "Exhibit B" to this report outlines the senior concerns expressed at the gathering, with staff responses.

Marketing efforts for both outreach meetings include: advertisement on the City website, social media, outreach to the various senior living facilities and apartments, community service clubs and churches, Chamber of Commerce website, local newspaper, in all City facilities, TRACER buses, Channel 26, city booth at community events & Farmers Market, local business throughout the City of Tracy and the Lolly Hansen Senior Center.

Informally, the Commission has also attended senior center activities and events, Summer Downtown Block Parties, Farmers Market and various other community events that provide the Commissioners the opportunity to interact with the community and engage with seniors regarding the Commission and services provided by the City of Tracy. The community involvement subcommittee is available upon request to provide presentations to various community groups in Tracy where they provide information regarding the various senior services and the role of the Commission, including how to connect to City services, the Local Senior Resource Guide, the Senior Link-Tracy program, the Recreation Activity Guide and the Arts Education Catalog.

Lastly, a Commissioner, along with City staff, regularly attend the Tracy Senior Association monthly meeting, where they listen to seniors' needs and concerns and provide information to the group.

The Commission's Community Involvement subcommittee will continue to increase the Commission's visibility in the senior community by attending community events and senior center events and will continue to outreach to the various neighborhood groups, service clubs and the Tracy Senior Association.

Recreation staff and the Commission will continue to outreach to the senior community and provide an opportunity for seniors to address their needs and concerns by:

- Reporting to the Commission on a quarterly basis on current and future needs for seniors in the Tracy community.
- Using the senior center as a resource hub to inform the senior community on how to connect with City services and other senior-related agencies.
- Marketing the Senior Link-Tracy program and Local Senior Services and Resources guide at locations including the Lolly Hansen Senior Center, City facilities and other locations where seniors gather. Marketing efforts will also include reaching out to non-profits and other organizations that provide services to seniors.
- Hosting the annual Community Conversations in May, 2019, and a special meeting in November, 2019, at the Senior Center to gather the needs and concerns from seniors to report back to City Council in February, 2020.
- Attending the Tracy Senior Association and Golden Agers meetings.

### **Lolly Hansen Senior Center Renovation**

On June 7, 2016 City Council adopted the annual budget for Fiscal Year 2017/2018 which included CIP numbers (71093 - \$72,000 & 78155 - \$824,100) for a total of \$896,100 to renovate the Lolly Hansen Senior Center. An additional amount of \$777,728 has been awarded to the project by the Community Development Block Grants (CDBG) to expand and upgrade the facility. On July 17, 2018 City Council approved an additional amount of \$950,000 from Measure V to towards the project thus bringing the total available amount at this time to \$2,623,828 for completion of this project.

The senior center was built in 1987 to provide seniors in the Tracy community various recreational programs and activities. The existing building is 5,200 square feet. Over the past several years seniors have expressed through the Community Conversation forums, comments cards and at City Council meetings the need of a new Senior Center and renovations to the Lolly Hansen Senior Center. The facility is heavily used and at maximum capacity with daily programming such as, fitness classes, art classes and special events.

On July 17, 2018 a bid for construction was awarded to Diede Construction. Construction began on August 27, 2018 at the Lolly Hansen Senior Center. The scope of the renovation includes improved accessibility in accordance with the Americans with Disabilities Act (ADA), an expanded multi-purpose room to the existing room, a new classroom, expanded storage area, new furniture, PA system, computers and other

needed improvements. The facility improvements when completed will increase the size of the facility by approximately 2,100 square feet.

Staff anticipates the Senior Center Renovation CIP project to be completed by May of 2019. During the annual budget process, staff will be recommending to City Council to extend the Senior Center hours and add additional classes and events based on the new expansion of the center.

#### STRATEGIC PLAN

1. This agenda item supports the Quality of Life Strategy, specifically:

**Goal 1:** Address City Amenities and Facility Usage with an Emphasis on Community Demand, Accessibility, and Cost Recovery.

**Goal 5:** Improve Current Recreational, Cultural Arts and Entertainment Programming and Services to Reflect Community Interests and Demands.

#### FISCAL IMPACT

Costs related to support the senior services are included in the Parks and Recreation budget.

#### RECOMMENDATION

Staff recommends that Council accept the Annual Report on Senior Services.

Prepared by: Jolene Jauregui, Recreation Services Supervisor

Reviewed by: Brian MacDonald, Parks & Recreation Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

#### ATTACHMENTS

Exhibit A – Summary of the Senior Center program impact numbers and offerings  
Exhibit B – Status of senior needs and concerns from two Senior Forums

# PROGRAM IMPACT

## LIFE ENRICHMENT & WELLNESS PROGRAMS

**PURPOSE:** To promote health and wellness by providing access to activities, programs, and services.

### **2017 STATISTICS & SIGNIFICANT INFORMATION:**

- Yearly attendance = 43,245
- Average daily attendance = 180
- Average weekly attendance = 901
- Average monthly attendance = 3,604
- 936 Educational opportunities, activities, recreational programs and services were offered.
- New events = 3
- New programs = 11
- New classes = 8
- Information & Assistance appointments = 3,390
- Average number of meals served:
  - 19/day
  - 98/week
  - 392/month
  - 4,704/year
- Number of meals delivered = 9,840
- AARP Tax Assistance appointments = 207

### **SERVICE RELATED OFFERINGS:**

- AARP Driver Safety Classes
- AARP Tax Assistance
- Brown Bag
- Daily Nutrition Lunch
- Drive Well, Age Smart
- Flu Shot Clinics
- HICAP (Health Insurance Counseling & Advocacy Program)
- Meals on Wheels
- Mobile Farmer's Market
- Paralegal
- Senior Link – Tracy Program
- University of Pacific Health Fair for Seniors & other Medicare Beneficiaries

### **2018 STATISTICS & SIGNIFICANT INFORMATION:**

- Yearly attendance= 44,997
- Average daily attendance = 187
- Average weekly attendance = 937
- Average monthly attendance = 3,749
- 1,007 Educational opportunities, activities, recreational programs and services were offered.
- New events = 2
- New programs = 11
- New classes = 8
- Information & Assistance appointments = 3,419
- Average number of meals served:
  - 21/day
  - 103/week
  - 416/month
  - 4,991/year
- Number of meals delivered = 9,840
- AARP Tax Assistance appointments = 198

## **VOLUNTEER SUPPORT**

### **2017/2018 Hours of Volunteer Support:**

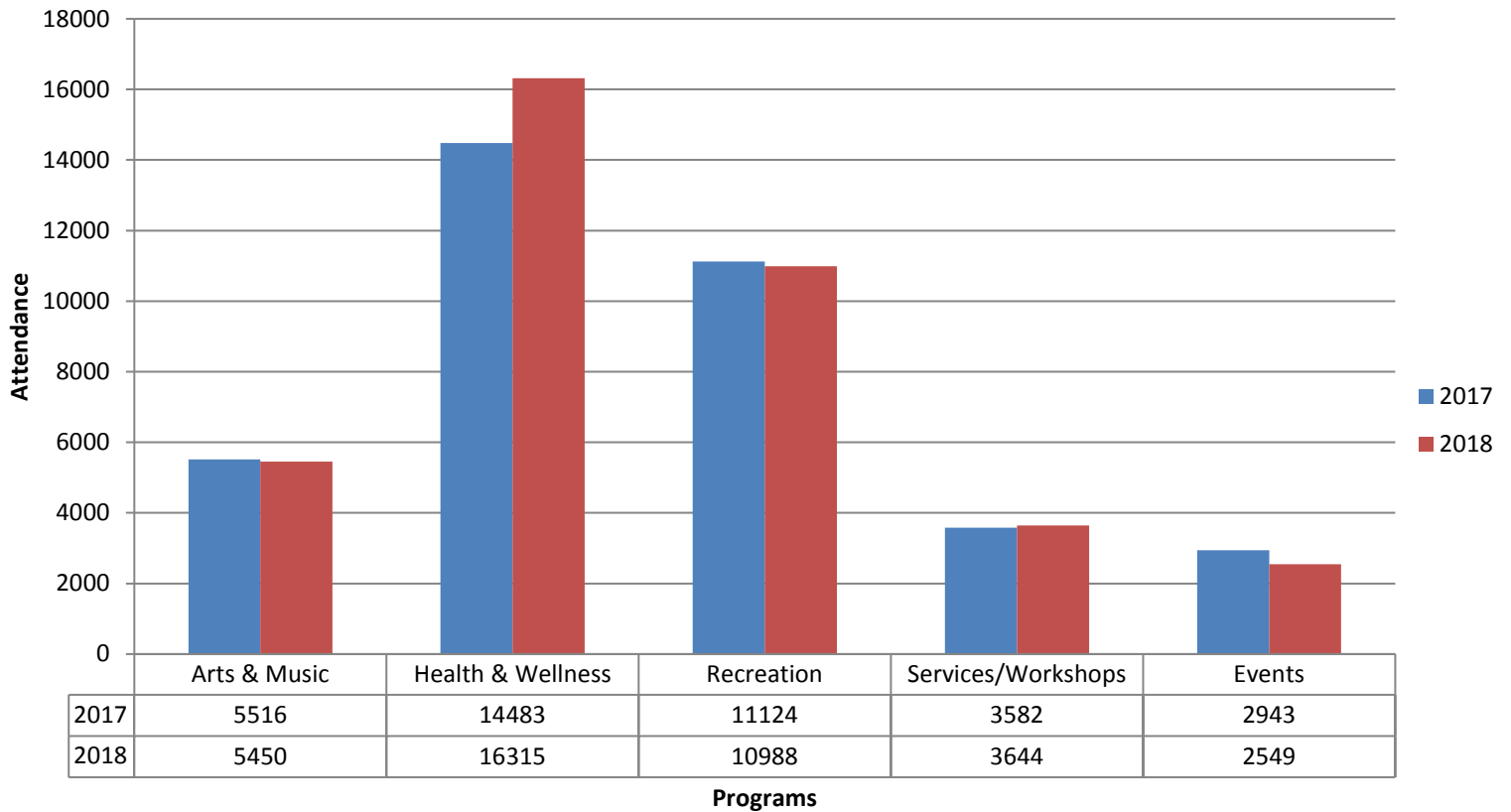
The number of unduplicated volunteers that reported volunteer hours = 54

Total of reported volunteer hours = 4,015.25

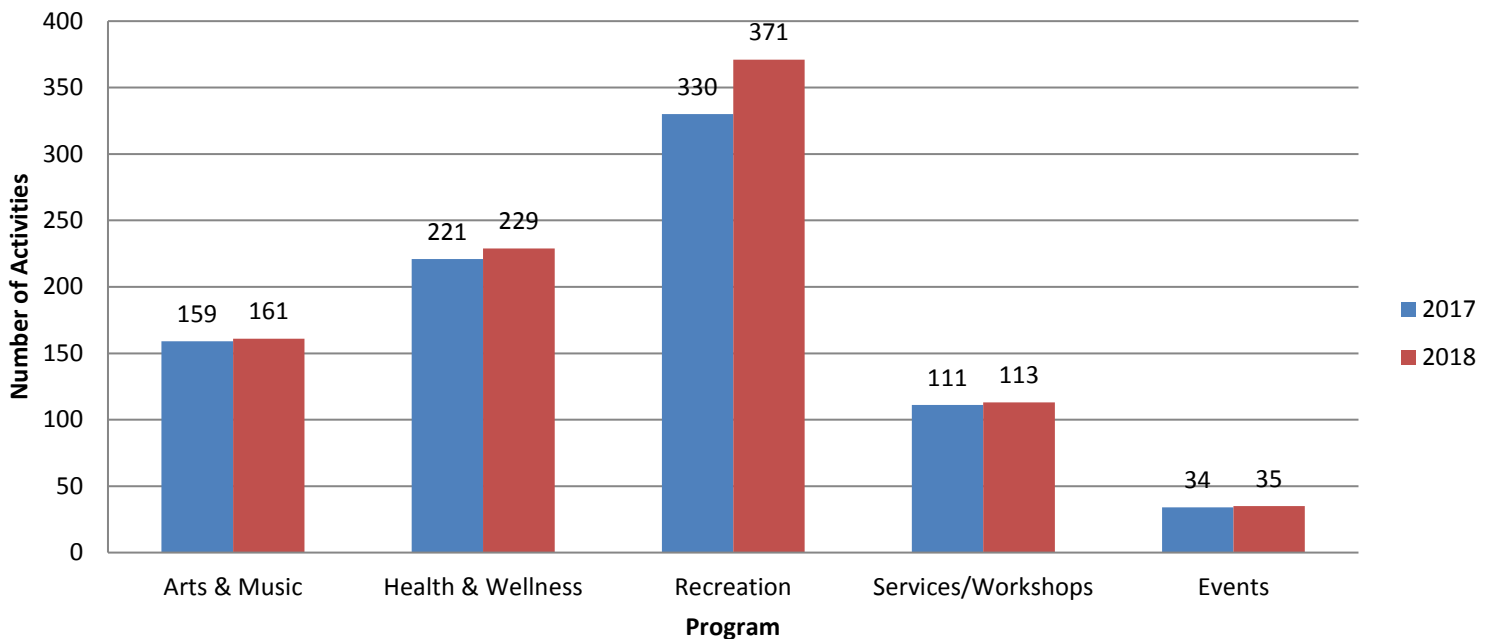
We continue to work at increasing the number of volunteers who record their hours in our database. We appreciate all volunteer service, whether formally recorded or not.



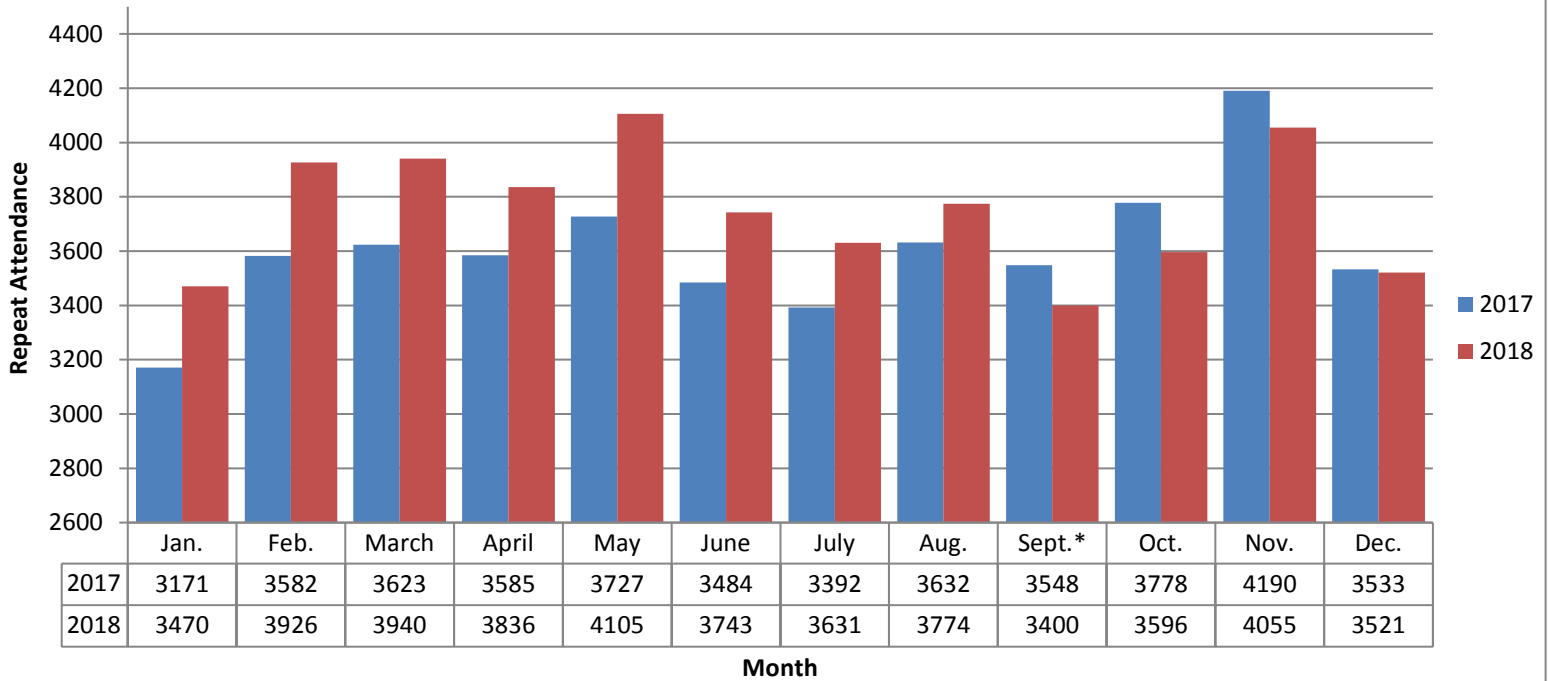
## Lolly Hansen Senior Center Attendance for Programs



## Programs and Activities Offered at the Lolly Hansen Senior Center



## Lolly Hansen Senior Center Monthly Total - Repeat Senior Attendance



\* Senior Center relocated to Tracy Community Center

**Senior Community Conversation Meeting May 9, 2018  
Current Senior Citizen Needs and Concerns**

**Attendance: 14**

**What's Working:**

- Nice facility
- More baby boomers
- Lots of activities
- City of Tracy more involved with seniors
- Variety of activities
- Staff
- Parties (events)
- Facility location

**Department: Parks & Recreation – Senior Division**

| <b>Senior Concern</b>                                                                                             | <b>Recommendation</b>                                                                                                                                                                                                                                                                                                         | <b>By When</b>            |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| A larger Senior Center                                                                                            | Seniors wanted to again express the need for a larger senior center. Staff provide an overview of the project and shared that the Senior Center has been allocated \$1.5 million with an additional \$777,728 CDBG Grants to provide renovation/expansion to the facility. Construction is estimated to begin in August 2018. | Approximately Spring 2019 |
| More classes <ul style="list-style-type: none"> <li>• Computer</li> <li>• Cooking</li> <li>• Technical</li> </ul> | Senior Center staff will look into finding a contractor or volunteer who is interested in teaching the suggested classes.                                                                                                                                                                                                     | Ongoing                   |
| Senior Center newsletter                                                                                          | Senior Center staff currently offers an Activity Guide “quick sheet” that lists all of the current classes with events, trips and seminars on the back. Staff will look into the possibility of starting a newsletter.                                                                                                        | Ongoing                   |
| ESL classes                                                                                                       | Senior Center staff will look into finding a contractor or volunteer who is interested in teaching English as a Second Language class.                                                                                                                                                                                        | Ongoing                   |
| More parking at the Senior Center                                                                                 | Senior Center staff has been closely monitoring the East side parking lot and issuing “warnings” to non-Senior Center participants. This should help to make more parking spaces available.                                                                                                                                   | Ongoing                   |
| More fitness classes later in the day                                                                             | With the expansion of the Senior Center, staff will look into finding a contractor or volunteer who is interested in teaching additional afternoon classes. The Senior Center currently offers 3 afternoon fitness classes: 30/30 @ 2:30pm, Zumba Gold Toning @ 11:15am and Zumba Gold @12pm.                                 | Ongoing                   |

|                                                                                                         |                                                                                                                                                                                                                |         |
|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Bring back the craft fair                                                                               | Senior Center staff will survey participants to see if they would be interested in participating in a craft fair. In the past Senior Center hosted a yearly craft fair for over 5 years.                       | Ongoing |
| Flea market                                                                                             | In the past, the Senior Center hosted Tracy Best Yard Sale downtown for 6 years. Senior Center staff can look into offering this event or a similar event again in the future.                                 | Ongoing |
| Blanket volunteer program                                                                               | The Senior Center craft participants have recently finished making bags that can be attached to walkers and wheelchairs. Senior Center staff can inquire if they are interested in starting a blanket project. | Ongoing |
| Fill in instructor for Hayat's (fitness) classes                                                        | Senior Center staff has tried to find instructors to fill Hayat's spot when she is out, however those instructor have not been interested.                                                                     | Ongoing |
| New entertainment for the holiday show                                                                  | Senior Center staff will look into other entertainment options for the Tinsel 'n Treats event.                                                                                                                 | Ongoing |
| More field trips                                                                                        | The Senior Center currently offers four trips a year. Staff will look into other transportations options such as ACE Train or TRACER to offer more affordable trips.                                           | Ongoing |
| More events <ul style="list-style-type: none"> <li>• Talent Show</li> <li>• Super Bowl Party</li> </ul> | The Senior Center currently offers at least one special event every month. Staff will look into adding the suggested events.                                                                                   | Ongoing |

#### Department: Parks & Recreation – Transportation Division

| Senior Concern                                                      | Recommendation                                                                                                                        | By When                   |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| More benches throughout Tracy at Bus stops                          | Transportation Division staff was available and addressed concerns. Staff will also document it for the Unmet Transit Needs in Tracy. | Completed<br>May 16, 2018 |
| Transportation for County residents and those that cannot afford it | Transportation Division staff was available and addressed concerns. Staff will also document it for the Unmet Transit Needs in Tracy. | Completed<br>May 16, 2018 |

#### Department: Development Services

| Senior Concern                                                                                                                                                                         | Recommendation                                           | By When |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|---------|
| More crosswalks - Examples given: <ul style="list-style-type: none"> <li>• 11<sup>th</sup> Street</li> <li>• Corral Hollow</li> <li>• Near Schools</li> <li>• Senior Center</li> </ul> | General Statement. Information shared with City Planner. | Ongoing |

**General Comment**

| <b>Senior Concern</b> | <b>Recommendation</b>                                                                                                                            | <b>By When</b> |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| More transportation   | General Statement. No examples given.                                                                                                            | Ongoing        |
| Adult daycare         | Senior Center staff shared the information with assisted living facilities as well as County services about the need for adult daycare services. | Ongoing        |

**PARKS & COMMUNITY SERVICES COMMISSION  
SPECIAL MEETING NOVEMBER 8, 2018**

**Attendance: 13**

**What's Working:**

- Good events
- Staff
- Activity Guide
- Marketing at Senior Center

**Department: Parks & Recreation – Senior Division**

| Senior Concern/Comments                                                                                                                                                                                                                                                                                                           | Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | By When          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p>Marketing</p> <ul style="list-style-type: none"> <li>• Banners (11<sup>th</sup> St.)</li> <li>• Supermarket Bulletin Boards</li> <li>• Interfaith</li> <li>• Program Fair</li> <li>• Have senior volunteers distribute activity guides to church clubs and communities</li> <li>• Gather emails yearly from seniors</li> </ul> | <p>Senior Center staff will continue to utilize the following marketing strategies and efforts:</p> <ul style="list-style-type: none"> <li>• Facebook (City, Parks &amp; Recreation and Senior Page)</li> <li>• Farmer's Market</li> <li>• City Website</li> <li>• Local Newspapers</li> <li>• Flyers</li> <li>• Senior table at City Events</li> <li>• Channel 26</li> <li>• Recreation Activity Guide (3x year – Winter/Spring, Summer, Fall)</li> <li>• Announcement Boards at the Senior Center (4)</li> <li>• Various Community Events</li> <li>• Tracy Press Datebook</li> <li>• Announcements (Daily)</li> <li>• Mailers - Periodically</li> <li>• Flyers on City buses</li> <li>• Email Distribution Blasts</li> </ul> <p>The Senior Center targets locations which seniors frequently visit. The current distribution includes locations such as: Pharmacies, restaurants, doctor's offices, senior living facilities, churches and city facilities. Staff will continue to research more locations and research other marketing methods.</p> | Ongoing          |
| Handicap seniors at Bingo should be allowed in first                                                                                                                                                                                                                                                                              | Staff will work with seniors with physical disabilities to assist them into the Bingo room.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | December 1, 2018 |
| Ukulele Class should not have to pay for event if performing                                                                                                                                                                                                                                                                      | Invited performers are never required to pay for events. Staff will make sure that all staff is aware of this prior to any further event.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | November 9, 2018 |
| Transportation for seniors to events                                                                                                                                                                                                                                                                                              | Staff works with TRACER staff to organize bus pick-ups from the Senior Center for afterhours events. During the day, Paratransit service are also available.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Ongoing          |

| Senior Concern/Comments                                                                                                                                                                                                                                    | Recommendation                                                                                                                                                                                                                                                                                                                                                                                            | By When                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Congregate Lunches <ul style="list-style-type: none"> <li>Limited meals</li> <li>Have to sign up day of</li> <li>Noise of Zumba during lunch</li> <li>Not enough time to eat lunch and attend Zumba (Tuesday)</li> <li>More help to serve lunch</li> </ul> | The use of the Community Center is temporary. Once construction of the Senior Center is completed, staff will look into offering Zumba at another time or utilize another room that would not disrupt other programs. All lunch suggestions have been shared with the San Joaquin Department of Aging, who provides the meals. Staff will ensure that 2 staff or volunteers are available to serve lunch. | December 1, 2018          |
| Events <ul style="list-style-type: none"> <li>Better prizes</li> <li>Better food</li> </ul>                                                                                                                                                                | Staff will work together to find more creative food options. Staff will also explore new options for event prizes.                                                                                                                                                                                                                                                                                        | Ongoing                   |
| Parking Lot <ul style="list-style-type: none"> <li>Being used by non-seniors</li> <li>New permit system</li> </ul>                                                                                                                                         | The Senior Center staff currently monitors the parking lots as best as possible. However, the street parking on East Street is not a permit required section and is available to the community. Once the renovation is completed, staff will implement the permit procedure.                                                                                                                              | Approximately Spring 2019 |
| Country Jams <ul style="list-style-type: none"> <li>Signs for Spanish speakers</li> </ul>                                                                                                                                                                  | Staff has provided the volunteers of Country Jubilee with a sign for Spanish speakers. Staff will remind the volunteers to put the sign out every Tuesday.                                                                                                                                                                                                                                                | November 13, 2018         |
| Free Flu shots                                                                                                                                                                                                                                             | The Senior Center partners with University of Pacific School of Pharmacy to offer free flu shots are part of their Medicare Beneficiaries event once a year. Staff will also look to provide information on other services for free flu shots as it becomes available and share with seniors and post at the Senior Center.                                                                               | Completed October 2018    |

AGENDA ITEM 1.E

REQUEST

**APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WRT, LLC OF SAN FRANCISCO, CALIFORNIA FOR AN UPDATE TO THE CITYWIDE PARKS, RECREATION AND TRAILS MASTER PLAN (CIP 78179) AND PREPARATION OF NATURE PARK CONCEPTUAL PLAN (CIP 78180), AND APPROVE AN APPROPRIATION OF \$11,000 FROM LMD FUND (F271), \$39,000 FROM GENERAL FUND (F301), AND \$76,000 FROM PROGRAM MANAGEMENT FUND (F391) FOR CIP 78179 IN FY 2018-19**

EXECUTIVE SUMMARY

This is a request for approval of a Professional Services Agreement (PSA) for an update to the 2013 Citywide Parks, Recreation and Trails Master Plan and preparation of a conceptual plan for the proposed nature park.

DISCUSSION

The Parks Master Plan was prepared under a PSA with MIG, Inc., in 2013. Since that time, the City has experienced significant development and population growth, requiring an update to the Parks, Recreation and Trails Master Plan to include newly built or needed parks, recreation and trails infrastructure.

This Master Plan update is a planning level document that will outline existing master-planned facilities and upgrades needed to accommodate population forecasting generated within the City's Sphere of Influence under fully developed conditions. The update will reflect changes and refinements in parks infrastructure planning approaches for some areas and new regulatory requirements that have been adopted at the state and local level. It is important to note that this project will include work needed to complete a conceptual design for the proposed nature park. This will include public outreach, probable costs and site feasibility. Funding for this will come from the newly created Nature Park CIP 78180.

The Parks, Recreation and Trails Master Plan Update will include the following tasks:

- Conduct an assessment of existing parks and recreation facilities
- Conduct a community needs assessment and develop a comprehensive profile
- Establish a vision and recommend short term and long term projects
- Upgrade program costs to reflect proposed changes and construction cost estimates for those facilities, including development of impact fees
- Provide technical support for the City's Environmental Impact Review (EIR) consultant
- Provide technical support to the city staff regarding changes to the California Environmental Quality Act (CEQA) Guidelines in accordance with SB 743
- Define the vision for a nature park in Tracy, including gathering community feedback and preparation of a conceptual plan
- Review and analyze existing City General Plan Policy



On May 17, 2018, the City issued a Request for Proposals (RFP) for the Parks, Recreation and Trails Master Plan Update. Proposals were received from the following consultants:

- O'Dell Engineering – Modesto, CA
- WRT, LLC – San Francisco, CA
- RHAA – Mill Valley, CA
- GreenPlay, LLC – Louisville, CO
- Conservation Technix – Orinda, CA

Staff determined that the proposal from WRT, LLC of San Francisco was the most responsive to the City's needs. After detailed negotiations with the consultant, a PSA with a not-to-exceed cost of \$425,827 was agreed upon.

#### STRATEGIC PLAN

The agenda is a routine operational item and is not related to the Council's Strategic Plans.

#### FISCAL IMPACT

The following funding is available for the Parks, Recreation and Trails Master Plan Update:

| <u>CIP</u>                                           | <u>Available Funds</u> |
|------------------------------------------------------|------------------------|
| Parks, Recreation and Trails Master Plan – CIP 78179 | \$300,000              |
| Nature Park – CIP 78180                              | <u>\$100,000</u>       |
| TOTAL                                                | \$400,000              |

It is necessary to allocate \$11,000 from LMD Fund (F271), \$39,000 from General Fund (F301), and \$76,000 from Program Management Fund (F391) for CIP 78179 in FY 2018-19, thereby increasing the amount of funds available for this Update to \$526,000.

#### RECOMMENDATION

Staff recommends that the City Council, by resolution, approve a PSA with WRT, LLC, in an amount not-to-exceed \$425,827, authorize the allocation of \$11,000 from LMD Fund (F271), \$39,000 from General Fund (F301), and \$76,000 from Program Management Fund (F391) for CIP 78179.

Prepared by: Zabih Zaca, PE, Senior Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Director of Development Services  
Brian MacDonald, Parks and Recreation Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

ATTACHMENTS

Attachment A – PSA with WRT, LLC

**City of Tracy**  
**PROFESSIONAL SERVICES AGREEMENT**  
**CITYWIDE PARKS, RECREATION AND TRAILS MASTER PLAN UPDATE**

This Professional Services Agreement (Agreement) is entered into between the City of Tracy, a municipal corporation (City), and WRT, LLC (Consultant).

**Recitals**

- A. The City is in need of professional engineering services in order to update the Citywide Parks, Recreation and Trails Master Plan.
- B. On May 26, 2018, the City issued a Request for Proposals (RFP) for the Citywide Parks, Recreation and Trails Master Plan Update (Project). On June 26, 2018, Consultant submitted its proposal for the Project to the City.
- C. City and Consultant reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.
- D. On January 15, 2019, the City Council authorized the execution of this Agreement, pursuant to Resolution No. 2019-\_\_\_\_\_.

**Now therefore, the parties mutually agree as follows:**

**1. Scope of Services.** Consultant shall perform the services described in Exhibit "A" attached and incorporated by reference. The services shall be performed by, or under the direct supervision of, Consultant's Authorized Representative: Peter Winch. Consultant shall not replace its Authorized Representative, nor shall Consultant replace any of the personnel listed in Exhibit "B," nor shall Consultant use any subcontractors or subconsultants, without City's prior written consent.

**2. Time of Performance.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Consultant shall begin performance, and shall complete all required services no later than the dates set forth in Exhibit "A." Any services for which times for performance are not specified in this Agreement shall be started and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Consultant. Consultant shall submit all requests for extensions of time to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

**3. Compensation.**

**3.1 General.** For services performed by Consultant under this Agreement, City shall pay Consultant on a time and expense basis, at the billing rates set forth in Exhibit "C," attached and incorporated by reference. Consultant's fee for this Agreement is Not to Exceed \$425,827. Consultant's billing rates shall cover all costs and expenses, for Consultant's performance of this Agreement, except for those specifically identified in Exhibit "C." No work shall be performed by Consultant in excess of the Not to Exceed amount without the City's prior written approval.

**3.2 Invoices.** Consultant shall submit monthly invoices to the City describing the services performed, including times, dates, and names of persons performing the service.

**3.3 Payment.** Within 30 days after the City's receipt of invoice, City shall make payment to the Consultant based upon the services described on the invoice and approved by the City.

**4. Indemnification.** Consultant shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against any claims arising out of Consultant's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Consultant" means the Consultant, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

(The duty of a "design professional" to indemnify and defend the City is limited to claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, under Civ. Code § 2782.8.)

The provisions of this section survive completion of the services or the termination of this contract, and are not limited by the provisions of Section 5 relating to insurance.

**5. Insurance.**

**5.1 General.** Consultant shall, throughout the duration of this Agreement, maintain insurance to cover Consultant, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth here.

**5.2 Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$2,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

**5.3 Automobile Liability** (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

**5.4 Workers' Compensation** coverage shall be maintained as required by the State of California.

**5.5 Professional Liability** "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Consultant in an amount not less than \$1,000,000 per claim.

**5.6 Endorsements.** Consultant shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

**5.6.1** The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

**5.6.2** For any claims related to this Agreement, Consultant's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

**5.7 Notice of Cancellation.** Consultant shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material

change in the policy prior to the expiration shall be considered a cancellation. Consultant shall immediately obtain a replacement policy.

**5.8 Authorized Insurers.** All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

**5.9 Insurance Certificate.** Consultant shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

**5.10 Substitute Certificates.** No later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement, Consultant shall provide a substitute certificate of insurance.

**5.11 Consultant's Obligation.** Maintenance of insurance by the Consultant as specified in this Agreement shall in no way be interpreted as relieving the Consultant of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Consultant may carry, at its own expense, such additional insurance as it deems necessary.

**6. Independent Contractor Status; Conflicts of Interest.** Consultant is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Consultant is not City's employee and Consultant shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization. Consultant is free to work for other entities while under contract with the City. Consultant, and its agents or employees, are not entitled to City benefits.

Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Consultant maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Consultant's conflicting interest.

**7. Termination.** The City may terminate this Agreement by giving ten days written notice to Consultant. Upon termination, Consultant shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Consultant for this Agreement. The City shall pay Consultant for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

**8. Ownership of Work.** All original documents prepared by Consultant for this Agreement, whether complete or in progress, are the property of the City, and shall be given to the City at the completion of Consultant's services, or upon demand from the City. No such documents shall be revealed or made available by Consultant to any third party without the City's prior written consent.

**9. Miscellaneous.**

**9.1 Notices.** All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party as follows:

To City:

City of Tracy  
Attn: Zabih Zaca, Senior Civil Engineer  
333 Civic Center Plaza  
Tracy, CA 95376

To Consultant:

WRT, LLC  
Attn: Peter Winch, Associate Planner  
478 Tehama Street, Ste. 2B  
San Francisco, CA 94103

With a copy to:

City Attorney  
333 Civic Center Plaza  
Tracy, CA 95376

Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days after the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

**9.2 Standard of Care.** Unless otherwise specified in this Agreement, the standard of care applicable to Consultant's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

**9.3 Modifications.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

**9.4 Waivers.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

**9.5 Assignment and Delegation.** Consultant may not assign, transfer or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

**9.6 Jurisdiction and Venue.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

**9.7 Compliance with the Law.** Consultant shall comply with all local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

**9.8 Business Entity Status.** Consultant is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Consultant. City may void this Agreement if Consultant is a suspended corporation, limited liability company or limited partnership at the time it enters into this Agreement.

**9.9. Business License.** Before the City signs this Agreement, Consultant shall obtain a City of Tracy Business License.

**9.10 Entire Agreement; Severability.** This Agreement comprises the entire integrated understanding between the parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements.

If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

**10. Signatures.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Consultant and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

The parties agree to the full performance of the terms set forth here.

**City of Tracy**

\_\_\_\_\_  
By: Robert Rickman  
Title: Mayor

Date: \_\_\_\_\_

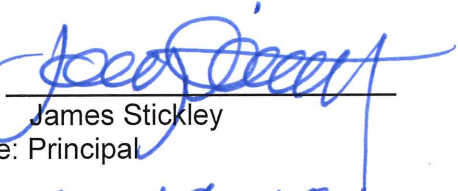
Attest:

\_\_\_\_\_  
Adrianne Richardson, City Clerk

Approved as to form:

\_\_\_\_\_  
Thomas T. Watson, City Attorney

**Consultant**  
WRT, LLC

By:   
\_\_\_\_\_  
James Stickley  
Title: Principal

Date: 12.19.18

Federal Employer Tax ID No.  
\_\_\_\_\_

**Exhibits:**

- A Scope of Services, including personnel and time of performance (See Agreement sections 1 and 2.)
- B Compensation (See Agreement section 3.)

Exhibit A  
**SCOPE OF WORK**

*WRT WILL PROVIDE THE FOLLOWING SERVICES AS DESCRIBED AND IN ACCORDANCE WITH THE PROJECT SCHEDULE.*

**TASK 1 – PROJECT INITIATION AND MANAGEMENT**

**1.1 Project Kick-off and Site Tour**

The WRT Team will facilitate a kick-off meeting in Tracy with Staff and stakeholders invited by the City. We will review the draft scope and schedule and facilitate a conversation about goals, opportunities and constraints. Following the meeting, we propose a Staff-guided tour of the City's parks and recreation facilities. The kick-off and tour is an important time to be introduced to parks staff responsible for maintenance, programming, and funding.

**1.2 Formation of a Work Plan [RFP Task 1] and Community Engagement Strategy**

Based on comments at the kick-off meeting and guidance from Staff, WRT will finalize a detailed work scope and schedule including a list of milestones, timelines, areas of responsibility, and all information to be provided by City Staff. The elements of community engagement will be developed in detail in this stage.

**1.3 Monthly Check-in Meetings with Staff**

WRT will prepare meeting agenda and notes. We assume most of these meetings will be conducted as conference calls. Special Consultant/Staff workshops that will benefit from more time and collaboration will be done on-site.

**1.4 Project Management**

WRT will provide ongoing management including administration of the contract and invoices.

***Task 1 Meetings:*** Project Kick-off and Site Tour; Monthly Check-in Meetings with Staff

***Task 1 Deliverables:*** Work Plan, Meeting agendas and notes

***Task 1 Fee:*** \$31,060 plus reimbursables

**TASK 2 – EXISTING PARKS AND RECREATION ASSESSMENT**

**2.1 Review and Collection of Background Information [RFP Task 2]**

WRT will assemble and review available data and reports and current facilities projects. WRT assumes that the City will provide GIS layers for data such as park boundaries, natural features, zoning, specific plan areas, streets and circulation routes, and other relevant themes.

*Note: interviews with City staff, selected stakeholders, Parks & Community Services Commission members, and City Council are also included; see Task 3.1.*



## 2.2 Review of Existing Parks, Recreation Facilities and Recreation Programs [RFP Task 3]

*Existing Parks Assessment.* WRT will inventory existing parks, facilities, trails, landscape and open space areas in Tracy. The inventory will identify all parks, park type, park features and amenities, acreage, use characteristics, aesthetic qualities, and general condition assessment. Each facility will be specifically assessed at a high level for compliance with ADA requirements (this assessment will not cover slope or playground safety). The analysis will determine the level of service Tracy is currently achieving with its park system; identify geographic gaps in service in terms of access to parks and to specific amenities; and identify physical improvement needs at each park site. Building condition will not be covered in this assessment. Maps will show the parks by park type; distribution of recreation amenities, park walksheds using GIS network analysis, and generalized park condition or improvement needs.

*Recreation Program and Urban Recreation Needs Assessment.* Recreation programs and special events are the backbone of park and recreation agencies. PROS' assessment will review how well the Department aligns itself with community needs for recreation programs. The goal of this process is to provide recreation program enhancements that result in successful and innovative offerings. PROS will provide insight into recreation program trends from agencies all around the country. The process includes analysis of:

- Age segment distribution
- Lifecycle analysis
- Core program analysis and development
- Similar provider analysis/duplication of service
- Partnership identification
- Market position and marketing analysis
- User fee analysis for facilities and programs/services
- Review of program development process
- Backstage support, or service systems and agency support needed to deliver excellent service

*Operations Analysis.* PROS will provide more detailed analysis of the Department's operations and maintenance practices, and recommendations to make operations more efficient and effective, aligning the Department with national best practices.

*Reconnaissance-level Biological Survey:* LSA will conduct a desktop survey of the 72 existing facilities covered by the Master Plan to identify the potential presence of special-status species and/or sensitive habitats, such as wetlands or riparian habitat. LSA will review available background information, including available reports for other projects in the vicinity, and the California Department of Fish and Wildlife's California Natural Diversity Database, the California Native Plant Society's Inventory of Rare and Endangered Plants, and the U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) on-line database for occurrences of special-status plant and wildlife species on or adjacent to the project site. Based on the results of the literature review and input from WRT and City staff, LSA will conduct field reconnaissance surveys of up to four sites with the highest potential to support sensitive rare, threatened, or endangered species or potentially jurisdictional waters of the United States/waters of the State (including adjacent wetlands) that would be subject to regulation under Section 404 of the Clean Water Act and/or the California Porter-Cologne Water Quality Control Act. LSA will use the findings of the reconnaissance-level survey and the literature/database review to

assess impacts and develop avoidance and mitigation measures in the Biological Resources section of the IS/MND.

*Cultural Resources.* LSA will identify the baseline conditions for cultural resources on a program level for the proposed project. To achieve this, a review of existing documentation for the facilities addressed by the Master Plan and a brief field review will be conducted. The field review will be conducted to obtain a general sense of the potential presence of cultural resources and cultural resource sensitivity in the facilities. However, additional field survey may be needed to identify project-level impacts to cultural resources at the specific recreational facilities and support the CEQA analysis at the IS/MND level; the LSA field review will not satisfy professional standards for cultural resources field survey.

The baseline conditions identification for cultural resources will begin with a records search of documents on file at the Northwest Information Center (NWIC) of the California Historical Resources Information System. Archaeological, ethnographic, and historical publications and maps at LSA and cultural resource inventories will also be reviewed. LSA will also contact the Native American Heritage Commission in Sacramento for a review of the sacred lands file to determine if the project area contains any listed sites.

Based on the results of the baseline conditions research and field review for cultural resources, LSA will identify obvious conflicts between proposed improvements and cultural resources, as well as additional research (including formal field survey and/or eligibility evaluations) that will likely be required by subsequent CEQA review of individual elements of the master plan improvements. As necessary, revisions to the existing (or recommendations for entirely new) Goals and Policies in the master plan for the identification, protection, and retention of cultural resources will be made. The baseline conditions, recommendations, and revisions will be presented in a technical memorandum. It is anticipated that through the careful and diligent achievement and implementation of master plan Goals and Policies, the project will be able to successfully address potential significant impacts. No evaluations or formal field surveys will be conducted as part of this scope of work.

### 2.3 Benefits of the Tracy Park System [RFP Task 4, in part]

WRT will prepare a succinct analysis of how Tracy's park system benefits the community, noting the benefits of parks for public health, social cohesion, youth outcomes, economic development, property value, and environment

**Task 2 Meetings:** 1 working session led by PROS focused on department operations. See Task 1 for regular meetings with Staff and Task 3 for public engagement that may occur in relation to this task.

**Task 2 Deliverables:** Existing Conditions Assessment of the Tracy Parks + Recreation System including:

- **Park System Level of Service Analysis**
- **Park-by-Park Condition Assessment**
- **Programs and Services Assessment**
- **Department Operations Assessment**
- **Biological and Cultural Resources Assessment**

**Task 2 Fee:** \$48,055 plus reimbursables

### TASK 3 – PUBLIC AND STAFF INVOLVEMENT [RFP TASK 5]

Throughout the process, WRT will facilitate input from the community, stakeholders, and City representatives. Specific public and staff involvement elements may be modified as part of Task 1.2.

#### 3.1 Foundational Meetings with Community Leaders, User Groups, City Staff, Commissioners and Council Members

WRT will engage stakeholders including community groups, park users, youth sports groups, parks commissioners, Council members, Staff and others during a two-day period. We have found small group meetings with 4-5 people around topics (sports, open space/trails, dogs, maintenance, youth, seniors, etc.) to work effectively. Additional meetings with individual stakeholders may be conducted over the phone (we assume four additional meetings).

#### 3.2 Presentations to Parks & Community Services Commission (3)

The Parks & Community Services Commission (PCSC) has an important role in guiding and ultimately recommending the Master Plan for adoption by Council. WRT envisions three presentations to the PCSC. The first meeting would be a kick-off visioning session and project introduction; the second a report on the Community Needs Assessment; and the third a presentation of the draft Master Plan. Cultiva la Salud is available to provide Spanish interpretation at these meetings as needed, within a capped overall number of hours on the project. Any interpreting equipment would be provided by the City.

#### 3.3 Other Commission and City Council Meetings (3)

Other City of Tracy commissions also overlap with the functions of the parks and recreation system. It will be important for the Planning Commission to weigh in on the Master Plan's approach to park land dedication requirements and in-lieu fees, and park location and design guidance. The Youth Advisory Commission will have insight into the social and recreational needs of Tracy's youth population. We will also present the Plan to City Council for adoption. Specific commission and Council meetings will be identified in collaboration with City Staff. Cultiva la Salud is available to provide Spanish interpretation at these meetings as needed, within a capped overall number of hours on the project. Any interpreting equipment would be provided by the City.

#### 3.4 Community Workshops (2)

Two community workshops are envisioned. The first event will be held to introduce the project, get feedback about existing conditions, and set goals for the park system. The second event will be a workshop on prioritizing projects. These are envisioned as traditional presentations with supporting map displays. WRT will lead these workshops and provide display materials. We expect Staff will be able to support with logistics and promotion. Cultiva la Salud would provide Spanish interpretation. Any interpreting equipment would be provided by the City.

#### 3.5 Strategy and Materials for Pop-Up Outreach, Flyers, Posters, Web and Social Media

People lead busy lives or may feel disconnected from public processes; it is important to try to reach people where they are. WRT will help the City identify a set of engagement tactics, and design materials to support these efforts (printing and staffing is not included in this scope.) We believe that reaching people at local events will be more productive than holding Master Plan workshops – thus we encourage the City to invest in this effort.

### 3.6 Targeted Outreach to Underrepresented / Non-English-Speaking Communities

Tracy has an established and significant non-English speaking population. WRT with Cultiva La Salud has developed targeted activities to engage Spanish-speaking communities. We will support the City to broaden engagement to other communities as directed and funded.

Cultiva la Salud will lead our Team's effort to reach the Latino community. The outreach strategy will include the following: 1) reaching out to key organizational partners to help announce the workshops, 2) posting workshop flyers in key destinations, 3) canvassing the communities to announce the workshops, 4) sharing the workshop announcements on Facebook and Twitter, and 5) joining local meetings and announcing the workshops.

Cultiva la Salud will collaborate with WRT to plan, promote, and host Spanish-language events, and translate materials. The City will provide a list of organizations and contacts as a starting point.

**Task 3 Meetings:** *Foundational meetings with stakeholders (2 days in Tracy plus 4 additional phone meetings); Community advisory group meetings (3); PCSC meetings (3); other Commission and Council meetings (3); community workshops (2); targeted outreach meeting for Spanish-speaking community (1).*

**Task 3 Deliverables:** *Presentations and presentation materials for all meetings led by Consultant team; strategy and digital materials for pop-up events, digital files for print collateral, and content for social media.*

**Task 3 Fee:** \$46,345 plus reimbursables

## TASK 4 – COMMUNITY NEEDS ASSESSMENT AND COMPREHENSIVE PROFILE

### 4.1 Analysis of Demographic and Recreation Trends [RFP Task 4, in part]

*Demographic & Recreation Trends Analysis.* PROS will use the City's projections and supplement with census tract demographic data obtained from Environmental Systems Research Institute, Inc. (ESRI), the largest research and development organization dedicated to Geographical Information Systems (GIS) and specializing in population projections and market trends; for comparison purposes data will also be obtained from the U.S. Census Bureau. This analysis will provide an understanding of the demographic environment for the following reasons:

- To understand the market areas served by the park and recreation system and distinguish customer groups.
- To determine changes occurring in the City and the region, and assist in making proactive decisions to accommodate those shifts.
- Provide the basis for Equity Mapping and Service Area Analysis

Demographic analysis will be based on US 2010 Census information, 2018 updated projections, and 5 (2023) and 10 (2028) year projections. The following demographic characteristics will be included:

- Population density;
- Age Distribution;
- Households;
- Gender;
- Ethnicity;
- Household Income.

From the demographic base data, sports, recreation, and outdoor trends are applied to the local populace to assist in determining the potential participation base within the community. For the sports and recreation trends, PROS uses the Sports & Fitness Industry Association's (SFIA) 2017 Study of Sports, Fitness and Leisure Participation, ESRI local market potential, as well as participation trends from the Outdoor Foundation on outdoor recreation trends.

#### 4.2 Statistically-Valid Survey [RFP Task 6, in part]

EMC Research, as part of the WRT Team, will conduct a statistically valid survey to gauge community recreational needs and usage of recreation programs, parks, and other recreational facilities as it relates to City of Tracy Parks Master Plan. The survey would also measure potential changes in opinions, usage and needs over time.

*Methodology:* Live telephone interviewing – both landlines and cell phones – among residents in households with a registered voter in the City of Tracy. EMC has also provided an additional online survey option as well as optional focus group research services.

*Sample Design and Data Collection Standards:* Accurate data collection is the foundation for good strategic analysis. EMC Research sets an extremely rigorous data collection standard that is not often met nor included in pricing by other research firms. EMC will manage and oversee all aspects of the data collection process, including determining the sample universe, setting up caps and quotas, monitoring interviews in real-time, and verifying and reviewing the data after each night of interviewing. Prior to fielding the survey, we test the survey instrument to ensure it is understandable, logical, programmed correctly, and flows in a coherent manner. Throughout the data collection process, we will verify the accuracy of data coding and data entry, ensure the collected data meets the prescribed sampling plan, and ensure data integrity. In executing the survey, EMC will employ a thorough callback method to ensure that a random selection of respondents is achieved.

The scope of services would include:

- Develop final research design and sample plan;
- Design a survey questionnaire in consultation with the City/Consultant team
- Monitor data collection daily to ensure the process is going according to plan, and adjust strategies as-needed to ensure a representative sample;
- Tabulate, code, clean, and weight the survey data;
- Provide topline poll results
- Produce cross-tabulations of voter responses based on key demographic, geographic, attitudinal, and behavioral variables
- Perform in-depth analysis of the data;
- Prepare a report of results with charts, analysis, and recommendations;
- Present results and provide analysis and recommendations as needed.

*Sample Size & Survey Length:* Based on the project scope, we recommend up to 400 completed interviews at an average survey length of 15 minutes.

*Survey Languages:* Based on the demographics of the City of Tracy, we recommend providing interviews in both English and Spanish. EMC will provide professional translation and bilingual interviewers to make calls to likely Spanish-speakers.

#### **4.3 Online Survey**

EMC will program an online version of the survey and provide a survey link for the City of Tracy to host on their website and/or for them to send the survey link in local city newsletters or residential communications.

The online survey would be separate from the representative, statistically valid survey, but will likely contain a significant amount of content overlap. This is an opt-in instrument meant to provide the City with a way to engage your most interested populations. This contrasts with the representative survey which will be tightly controlled to ensure results can be projected to the population. Comparing results of the scientific survey to the online survey will allow the City to contrast the opinions of those closest to the issues with a random sample of residents, and identify whether the feedback you tend to receive from the most vocal members of the community differs from what your broader population thinks.

The scope of services would include:

- Convert the approved telephone survey to an online version for online access;
- Program and test survey on EMC's online survey platform;
- Provide a weblink to access the survey.
- The Survey would be hosted by City of Tracy on the City website and/or for use in an online newsletter, communications, etc.
- EMC will monitor web completes and provide status updates periodically while survey is active.
- Provide topline and tabulations of online survey responses.
- EMC will provide a brief analysis of online responses and comparison to the phone survey where applicable.

#### **4.4 Gather and Assess Community Needs [RFP Task 6, in part]**

Based on the analysis described in Task 2, the public input process described in Task 3, and the demographic analysis and survey results described above, the WRT Team will assess Tracy's current and projected recreational needs. We anticipate that one to two working sessions with Staff will be valuable as we synthesize findings and work toward the Comprehensive Profile (Task 4.5).

#### **4.5 Research and Report on Park Standards [RFP Task 7]**

The WRT Team will work with the Department to review and confirm, modify or add to existing park classifications and preferred facility standards for all park sites, trails, open space amenities including common areas and indoor and outdoor facilities. These classifications will consider size, population served, length of stay, and amenity types/services. Facility standards include level of service standards and the population served per recreational facilities and park amenities. Any new or modified classification or standard will be approved as required. These are based on regional, statewide or nationally accepted parks and recreation standards, as well as the Consulting Team's national experience and comparison with peer/survey agencies.

#### 4.6 Comprehensive Profile [RFP Task 8]

WRT will synthesize the outcomes of the Existing Conditions Assessment (Task 2); the Community Needs Assessment, including our analysis of demographics, recreation trends, priorities voiced by community members, and survey results; and benchmark analysis.

These will be rolled into a comprehensive profile of the City's parks and recreation system.

**Task 4 Meetings:** 2 working sessions with Staff.

**Task 4 Deliverables:** *Demographic and Recreational Trends Analysis Report; Statistically-Significant Survey Instrument; Report on the Statistically-Significant Survey; Online Survey and Weblink; Online Survey Report including Topline Results, Tabulation and Brief Analysis; Report on Park and Facility Standards; Comprehensive Profile of Existing Conditions and Needs.*

**Task 4 Fee:** \$40,650 plus reimbursables

### TASK 5 – VISION, RECOMMENDATIONS, AND PROJECTS

#### 5.1 Vision Development [RFP Task 9]

The Master Plan will provide a vision for a unified and sustainable system of parks, trails, and recreation facilities. The vision will build on community input and the core findings of our existing conditions and community needs assessment. Establishing the community vision will be a key focus of the community engagement work described in Task 3. Here, WRT will work with Staff to confirm a formal vision statement.

#### 5.2 Goals, Objectives and Policies [RFP Task 10, in part]

In consultation with Staff, we-WRT will develop goals, objectives, and policies to be responsive to identified needs. Goals will be aligned with Tracy's Strategic and General Plan goals and carry forward goals from the current Master Plan that remain relevant. Vision, goals, objectives and policies will be the subject of a working session with Staff.

#### 5.3 Short- and Long-Term Project Lists [RFP Task 10, in part]

WRT and PROS will synthesize the findings from the community input, standards, demographics and trends analysis, park and facility assessment, recreation services assessment and the service area mapping into a quantified facility and program priority ranking. This will list and prioritize facility, infrastructure, amenities, and program needs for the parks and recreation system and provide guidance for the Capital Improvement Plan. The analysis will include probable future parks, recreation and facility needs based on community input, as well as state and national user figures and trends. The Consulting Team will conduct a work session with staff to review the findings and make revisions as necessary.

#### 5.4 Recreation Program Priorities

PROS' analysis of recreation program needs will be developed into a program plan that will help to increase registration, drive customer retention and loyalty, improve customer satisfaction, and increase revenues. Additionally, it will help focus staff efforts in core program areas and create excellence in those programs deemed most important by program participants.

**Task 5 Meetings:** 2 working sessions with Staff

**Task 5 Deliverables:** Draft Vision Statement; Goals, Objectives and Policies; Definition and Prioritization of Projects and Programs

**Task 5 Fee:** \$21,835 plus reimbursables

**TASK 6 – FUNDING [RFP TASK 12]**

PROS and NBS will work in tandem on the funding analysis, with an overall approach of understanding the desires of the City and specifically the parks financial situation. This analysis will require broad thinking and analysis to identify important trends and challenges, as well as strategic and realistic opportunities.

**6.1 Assessment of Funding Needs**

Using data from the park assessments conducted in Task 2, including data on amenities and order-of-magnitude estimated replacement costs, PROS will analyze funding, operations, and maintenance considerations for the current park system and the improvements recommended to the community's vision. The work will be based on cost assumptions for generalized maintenance/ life cycle, repair, and new park development. NBS will provide peer review and consultation on revenue analysis.

**6.2 Funding and Revenue Strategies**

NBS will lead the Team's work in identifying a matrix of potential funding strategies. Funding strategies will be developed based in part to our review and analysis, as well as the national and California experience brought by the Consulting Team. These may include fees and charges; endowments and non-profit opportunities; program, event and facility sponsorships; dedicated funding sources for land acquisition and capital improvements; development agreements; Earned Income options to support operational costs; land or facility leases; and grant opportunities to build parks and facilities identified in the Needs Assessment. Augmented by the detailed fee studies outlined below, we will make recommendations. NBS will provide more detailed analysis of certain ongoing and one-time funding options with the greatest potential application to meet Tracy's needs.

**6.3 Park and Recreation Fee Analysis**

NBS is currently undertaking a global fee study for the City of Tracy, and will coordinate this task and summarize the recommendations on park and recreation fees and charges.

**6.4 Analysis of Development Fee and Quimby Act Policies and Ordinances**

NBS, led by subconsultant Joe Colgan, will review the City's current parks impact fee program and Quimby Act policies, document how the City implements these programs, and provide a professional opinion of the programs' strengths and opportunities for improvement. We will assess whether the City should consider adoption of a Parks Improvement Fee in addition to the Quimby Act fee. (This analysis will not include consultation on changes to zoning or other ordinances stemming from Master Plan outcomes.)



## 6.5 Development Impact Fee Study

NBS-Colgan will prepare a Development Impact Fee Study that complies with the requirements of the California Mitigation Fee Act (Government Code Sections 66000 et seq.)

To complete this Study, NBS-Colgan Consulting will:

- Collect, review, organize and analyze data on existing and future development in the City and compile it in a form useful for this study.
- Review the Capital Improvement Program and facility master plans and work with staff to identify new facilities, facility expansions, vehicles and equipment needed to serve future development.
- Conduct the impact fee analysis and calculate impact fees by land use type for each type of facility addressed in the study.
- Submit preliminary drafts of portions of the study report as the Study progresses for review and comment by City staff.
- Prepare an Impact Fee Study Report to explain the data, methodology and formulas used in the fee calculations and document the nexus between the proposed fees and the impacts of development for each type of impact fee calculated in the study. The report will also propose findings to satisfy the requirements of the Mitigation Fee Act regarding the purpose of the fees, the use of the fees, and the reasonable relationship between the fees and development.
- Prepare a final draft document for submittal to City Council, if applicable. As needed, additional changes will be incorporated into the final study report.

Attend one on-site meeting in the course of the impact fee study plus one public meeting to present the results of the study. If additional public meetings are required, they will be charged on a time and expenses basis.

**Task 6 Meetings:** 1-2 working sessions with Staff

**Task 6 Deliverables:** *Funding and Revenue Strategies Matrix and Recommendations; Development Impact Fee Study.*

**Task 6 Fee:** \$40,580 plus reimbursables

## TASK 7 - DRAFT AND FINAL PARKS, RECREATION AND TRAILS MASTER PLAN [RFP TASK 11]

### 7.1 Preliminary PRTMP

WRT will prepare a preliminary PRTMP (50% draft) for Staff review, incorporating the results of the tasks conducted throughout the process. The plan will include, but not be limited to:

- Vision Statement, Goals and Objectives
- Existing Conditions Summary and Park User Profiles
- Needs Assessment with Survey Results
- Implementation Plan with Park System Enhancements and Operations and Funding

## 7.2 Draft PRTMP Document

WRT will respond to comments from Staff and further development the Plan to a 90% level, and provide this Draft PRTMP for a second round of Staff review.

## 7.3 Parks & Community Services Commission and City Council Presentations

We will then make a presentation of the final draft Master Plan Report to the Tracy Parks & Community Services Commission and Tracy City Council.

## 7.4 Final PRTMP

The final Master Plan will then be completed following Commission and City Council guidance. The ultimate goal of the Parks, Recreation and Trails Master Plan (PRTMP) is to provide the City with one concise document for parks and recreation planning that sets forth findings, management policies, and programming and recommendations to address current and future needs.

**Task 7 Meetings:** *PCRC Meeting (see also Task 3); City Council Hearing*

**Task 7 Deliverables:** *Preliminary PRTMP; Draft PRTMP; Final PRTMP*

**Task 7 Fee:** *\$25,050 plus reimbursables*

## TASK 8 - TECHNICAL SUPPORT AS THE CITY'S ENVIRONMENTAL CONSULTANT [RFP TASK 13]

LSA will evaluate the Draft Master Plan in order to meet the requirements of CEQA. Potential environmental impacts will be analyzed at a program level, relying largely on the analysis in the General Plan EIR. CEQA requirements will be considered throughout the master planning process to ensure that, to the extent feasible, the proposed project is self-mitigating. This scope is based on the assumption that the project will not result in significant unavoidable environmental impacts and that environmental analysis and documentation beyond an Initial Study/Mitigated Negative Declaration (IS/MND) will not be required. If the City, as lead agency, determines that an EIR is necessary, additional revisions to the scope of work will be required. The scope of work below assumes that background documents prepared for the Master Plan, as well as analysis in the General Plan will be adequate to support the findings of the IS/MND and that no technical reports (e.g., wetland delineation, species-specific surveys, traffic study, air/noise report) will be prepared by LSA as part of this scope and fee. LSA can provide these services on a time and materials basis, if needed.

Task 8 will include the following stages:

### 8.1 Project Description

LSA will work closely with the project team to prepare a detailed Project Description that provides a level of detail appropriate for analysis in the IS/MND. The Project Description will provide a clear description of all proposed actions, including the purpose, phasing and physical elements of the Master Plan. The Project Description will include a map showing the location of proposed capital improvements and a general description of policies and recommendations that might affect the environment. The Project Description will include a statement describing the intended uses of the IS/MND, with a list of agencies expected to use the IS/MND, a list of permits and other approvals required to implement the project

and a list of related environmental review and consultation steps required by federal, State, or local laws, regulations and policies. The draft Project Description will need to be agreed upon by all members of the project team and City staff prior to initiating work on the IS/MND.

## 8.2 Administrative Draft IS/MND

An Initial Study (IS) will be prepared in accordance with the CEQA Checklist (Appendix G of the CEQA Guidelines). LSA will respond to and evaluate each factor from the checklist. Environmental analysis will be based on available information, information developed as part of the master planning process and the technical studies described in Task 3 above. A Mitigated Negative Declaration will be prepared and attached to the accompanying Administrative Draft IS. Five (5) bound paper copies and one (1) PDF and Microsoft Word versions of the Administrative Draft IS/MND will be submitted to the City for review and comment. At the end of the review period, LSA will be available to meet and discuss comments on the Administrative Draft IS/MND.

## 8.3 AB 52 Tribal Consultation

LSA will assist the City with complying with the provision of AB 52. AB 52 provides for consultation with Native Americans during the CEQA process. Prior to release of a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report for a project, a lead agency must provide tribes that are traditionally and culturally affiliated with the geographic area of a project the opportunity to consult, if requested in writing by such tribes within 30 days of receipt of the formal notification and requested consultation with the lead agency. If a tribe has requested consultation, LSA will, at the City's direction, perform the following tasks:

1. Attend up to one four (4) hour AB 52 consultation meeting with City and tribal representatives to provide technical input; and
2. Provide a template for the City's AB 52 outreach letter to tribes.

## 8.4 Public Review Draft IS/MND

Following City review and based on a single set of consolidated and non-contradictory comments, LSA will amend the Administrative Draft IS/MND and prepare a Public Review Draft IS/MND. We have allotted time for responding to changes; however, if this task exceeds the cost allotted in the budget due to changes in the project description or requests for additional analysis, the additional cost would be billed on a time and materials basis. LSA will incorporate relevant graphics from WRT's plans for the Master Plan.

Thirty (30) copies of the Public Review Draft IS/MND will be produced for distribution and submittal to the City. LSA will also submit one (1) PDF version of the Public Review Draft IS/MND for use by the City. LSA will submit the IS/MND to the State Clearinghouse in electronic format which will consist of production of fifteen (15) compact discs (CD) and preparation of the State Clearinghouse Summary Form. If hard copies or additional CDs are requested for production, additional scope and budget would be required.

LSA will prepare the Notice of Completion (NOC) and Notice of Intent to adopt a Mitigated Negative Declaration (NOI), in accordance with the *CEQA Guidelines*. LSA will coordinate with the City to prepare a circulation list of agencies and persons that should receive the NOI and will be responsible for distributing the NOI to the appropriate parties. The City will be responsible for publishing a notice in the local newspaper.

## 8.5 Final IS/MND

Following the public review period, the City will forward public comments submitted or made at the public meetings for review by LSA. LSA, in coordination with the City, will respond to agency and public comments on the contents of the IS/MND. We propose that the final responses to these comments be provided in a memo addressed to the City. This scope and budget assume up to 16 hours to prepare responses to comments. Should an unexpectedly large volume of comments be submitted, LSA would request an adjustment in the budget to cover work beyond the assumed level. LSA will also prepare a Final IS/MND incorporating any necessary revisions. Five (5) hard copies of the Final IS/MND will be provided to the City, along with one (1) PDF version.

LSA will prepare a Mitigation Monitoring and Reporting Program (MMRP) using the City's preferred format. The MMRP will list mitigation measures that are recommended in the IS/MND and provide standards and timelines for monitoring these mitigation measures. The MMRP will be submitted with the Final IS/MND.

LSA will also prepare a Notice of Determination (NOD) and file it with the County Clerk and State Clearinghouse once the project has been approved. The City will be responsible for payment of the Environmental Filing Fee to the California Department of Fish and Game at the time the NOD is filed.

**Task 8 Meetings:** 1 working session with Team and City Staff, up to 1 AB 52 consultation meeting with City and tribal representatives

**Task 8 Deliverables:** Admin Draft IS/MND; Template for Outreach Letter to Tribes; Public Review Draft IS/MND; Final IS/MND

**Task 8 Fee:** \$28,545 plus reimbursables

## TASK 9 – NATURE PARK MASTER PLAN AND ENVIRONMENTAL REVIEW

### 9.1 Establishing a Vision

WRT will work with City Staff, stakeholders and community members to define the vision for a nature park in Tracy, including what experiences it should support and what features/amenities it should include. The deliverable is a memorandum vision statement and preliminary site plan diagram.

Community engagement during the vision subtask is both combined with the Citywide Parks and Trails Master Plan and conducted separately. During Citywide meetings, we will specifically engage the broader community about goals and desires for a Nature Park. We will also brief the PCSC and commissions. Separately, we will conduct a stakeholder meeting combined with a site tour. Representatives from WRT and LSA will, respectively, describe recreational and ecological opportunities and constraints. Cultiva la Salud will engage non-English speaking residents during the nature park planning process. Tour logistics are supported by the City including activity noticing, organizing access, and shuttle transportation from City Hall for a limited number of attendees who need assistance.

## 9.2 Site Evaluation

WRT and LSA will review background information and existing conditions on one potential nature park site, anticipated to be the site south of Legacy Fields. The Team will consider opportunities and constraints posed by the site and including ecological, habitat, access, views, hydrologic, cultural resource, and recreational. Our site evaluation will also consider the relationship between the site and the City's larger system of parks, trails, and open space, including potential additions to the open space system at Tracy Hills and elsewhere. The deliverable will be a draft memorandum that is folded into the final report.

## 9.3 Nature Park Conceptual Master Plan

Based on the vision and site evaluation, WRT will develop a conceptual master plan for the future nature park. This process will build on the vision statement and conceptual diagram developed early in the process, refining this to an illustrative site master plan showing the location of proposed park elements and facilities. The site master plan will be accompanied by a summary of program elements. A phasing diagram will recommend potential phasing approaches aligned to priority and funding opportunities. The deliverable will include a vision statement, illustrative site master plan, summary of program elements, and phasing diagram, with an appendix providing the results of the site evaluation.

Community engagement during the master plan subtask will include (1) stakeholder meeting. Additionally, we will update the PCSC and city council.

## 9.4 Environmental Review

Pursuant to CEQA Guidelines Section 15164, an Addendum is permitted when a project (or a project's circumstances) change, or new information is available, but these conditions result in no new environmental impacts and do not increase the severity of existing impacts. CEQA Guidelines Section 15168 (c) (4) recommends using a written checklist or similar device to confirm that the environmental effects of a subsequent activity were adequately covered in a previous EIR.

Based on LSA's understanding of the scope of the proposed nature park and review of the Holly Sugar Sports Park Project Environmental Impact Report (EIR), the project appears to meet the above criteria for preparation of an Addendum to the Final EIR. LSA will utilize a modified version of the current Environmental Checklist Form (CEQA Guidelines Appendix G) to compare the project's potential environmental impacts to the potential impacts that were identified in the Final EIR. To facilitate the comparison to the Final EIR, response categories will be modified as follows: "New Significant Impact, Substantially More Severe Significant Impact, Less-than-Significant Impact with Additional Mitigation, and No Impact." Impact assumptions and applicable mitigation measures from the Final EIR will be referenced in the Addendum Checklist.

For each environmental topic, LSA will identify the minor changes associated with the project compared to what was evaluated in the Final EIR and will provide brief responses to each checklist question by comparing the proposed project to the previous CEQA analyses. This scope of services assumes that no new impacts or substantially more severe impacts would result from the proposed project, beyond those identified in the Final EIR.

LSA will prepare one draft of the Addendum Checklist for review by City staff prior to finalizing the document. Because CEQA does not require a separate public review period for an Addendum, our scope of work does not include preparing written responses to comments.

**Task 9 Meetings:** Working session with City staff and stakeholders (2); PCSC meetings (2); Council meeting (1); project team meetings on the environmental document (2).

**Task 9 Deliverables:** Vision Statement and Preliminary Site Concept; Site Evaluation Draft Memo; Conceptual Alternatives; Rendered Park Master Plan, Draft Addendum Checklist; Addendum to the Final EIR for the Holly Sugar Sports Park Project.

**Task 9 Fee:** \$99,710 plus reimbursables

**TOTAL COST:**

|                    |           |
|--------------------|-----------|
| Task 1 to 9 Labor: | \$394,350 |
| Reimbursables:     | \$ 31,477 |
| TOTAL:             | \$425,827 |



EXHIBIT B

INDEX

CONSULTANTS

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| NBS                   | B-3                 |
| LSA                   | B-4                 |
| EMC Research          | B-5                 |
| Cultiva la Salud      | B-6                 |

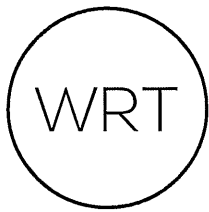


EXHIBIT B-1

WRT  
LIST OF KEY PERSONNEL

| <u>NAME</u>   | <u>CLASSIFICATION</u>        |
|---------------|------------------------------|
| John Gibbs    | Principal                    |
| Peter Winch   | Planner Level III            |
| Alana Sanders | Landscape Architect Level II |
| Kevin Lenhart | Landscape Architect Level I  |



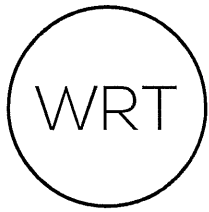


EXHIBIT B-2

PROS CONSULTING, INC.

LIST OF KEY PERSONNEL

NAME

CLASSIFICATION

Leon Younger

President

Michael Svetz

Senior Project Manager

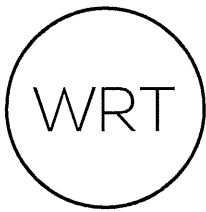


EXHIBIT B-3

NBS

LIST OF KEY PERSONNEL

| <u>NAME</u>   | <u>CLASSIFICATION</u> |
|---------------|-----------------------|
| Tim Seufert   | Director              |
| Greg Davidson | Director              |
| Nicole Kissam | Director              |
| Joe Colgan    | Impact Fee Consultant |

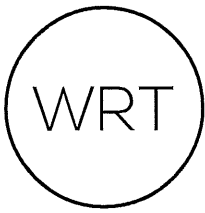


EXHIBIT B-4

LSA

LIST OF KEY PERSONNEL

NAME

CLASSIFICATION

Laura Lafler

Principal

Shanna Guiler

Associate / Senior Planner

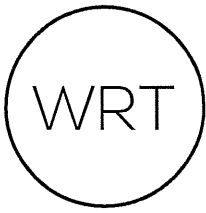


EXHIBIT B-5

EMC RESEARCH

LIST OF KEY PERSONNEL

NAME

CLASSIFICATION

Sara Labatt

Principal

Jessica Polsky

Vice President / Project Manager

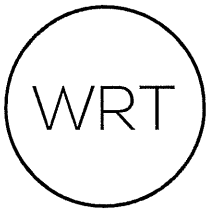


EXHIBIT B-6

CULTIVA LA SALUD

LIST OF KEY PERSONNEL

NAME

CLASSIFICATION

Lourdes Perez

Program Manager

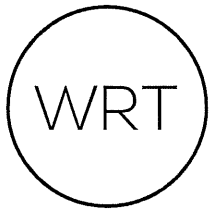


EXHIBIT C

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CONSULTANTS  
SCHEDULE OF CHARGES

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| NBS                   | C-3                 |
| LSA                   | C-4                 |
| EMC Research          | C-5                 |
| Cultiva la Salud      | C-6                 |

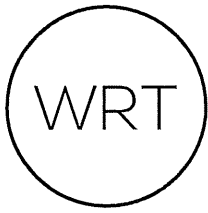


EXHIBIT C-1

WRT

HOURLY BILLING RATES

|                                       |               |
|---------------------------------------|---------------|
| Principal                             | \$245         |
| Professional Level IV/Project Manager | \$170         |
| Professional Level III                | \$155 - \$170 |
| Professional Level II                 | \$115 - \$125 |
| Professional Level I                  | \$105 - \$115 |
| Administrative Support                | \$85          |

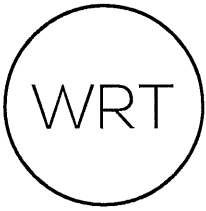


EXHIBIT C-2

PROS CONSULTING, INC.

HOURLY BILLING RATES

|                        |       |
|------------------------|-------|
| President              | \$175 |
| Senior Project Manager | \$155 |



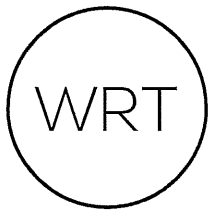


EXHIBIT C-3

NBS

HOURLY BILLING RATES

|                       |             |
|-----------------------|-------------|
| Director              | \$150 - 205 |
| Impact Fee Consultant | \$150       |
| Senior Consultant     | \$160       |
| Analyst               | \$120       |
| Clerical/Support      | \$95        |

EXHIBIT C-4

**HOURLY BILLING RATES EFFECTIVE JUNE 2018**

| Job Classification                |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             | Hourly<br>Rate<br>Range <sup>1,2</sup> |
|-----------------------------------|---------------------------------------|-----------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------|
| Planning                          | Environmental                         | Transportation                                      | Air/Noise                                                        | Cultural Resources                                                             | Biology                                                                                                            | GIS                         |                                        |
| Principal                         | Principal                             | Principal                                           | Principal                                                        | Principal                                                                      | Principal                                                                                                          | Principal                   | \$165–350                              |
| Associate                         | Associate                             | Associate                                           | Associate                                                        | Associate                                                                      | Associate                                                                                                          | Associate                   | \$105–245                              |
| Senior<br>Planner                 | Senior<br>Environmental<br>Planner    | Senior<br>Transportation<br>Planner/<br>Engineer    | Senior Air<br>Quality/Noise<br>Specialist                        | Senior Cultural<br>Resources Manager                                           | Senior Biologist/<br>Botanist/Wildlife<br>Biologist/Ecologist/<br>Soil Scientist/<br>Herpetologist/<br>Arborist    | Senior GIS<br>Specialist    | \$95–180                               |
| Planner                           | Environmental<br>Planner              | Transportation<br>Planner/<br>Engineer              | Air Quality/Noise<br>Specialist/<br>Climate Change<br>Specialist | Cultural Resources<br>Manager,<br>Archaeologist/<br>Architectural<br>Historian | Biologist/Botanist/<br>Wildlife Biologist/<br>Ecologist/Soil<br>Scientist/<br>Herpetologist/<br>Arborist           | GIS Specialist              | \$85–150                               |
| Assistant<br>Planner              | Assistant<br>Environmental<br>Planner | Assistant<br>Transportation<br>Planner/<br>Engineer | Air Quality/Noise<br>Analyst                                     | Cultural Resources<br>Analyst                                                  | Assistant Biologist/<br>Botanist/Wildlife<br>Biologist/Ecologist/<br>Soil Scientist/<br>Herpetologist/<br>Arborist | Assistant GIS<br>Specialist | \$75–100                               |
| <b>Field Services</b>             |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             |                                        |
| Senior Field Crew/Field Crew      |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             | \$75–100                               |
| <b>Office Services</b>            |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             |                                        |
| Graphics                          |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             | \$115–130                              |
| Marketing                         |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             | \$75–120                               |
| Office Assistant                  |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             | \$65–105                               |
| Project Assistant                 |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             | \$70–105                               |
| Research Assistant/Intern         |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             | \$50–70                                |
| Word Processing/Technical Editing |                                       |                                                     |                                                                  |                                                                                |                                                                                                                    |                             | \$95–110                               |

<sup>1</sup> The hourly rate for work involving actual expenses in court (e.g., giving depositions or similar expert testimony) will be billed at \$400 per hour regardless of job classifications.

<sup>2</sup> Hourly rates are subject to review at least annually, on or about June 1 of each year, and may be adjusted to reflect changing labor costs at LSA's discretion at that time.

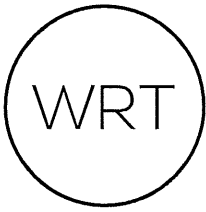


EXHIBIT C-5

EMC RESEARCH

HOURLY BILLING RATES

|                        |       |
|------------------------|-------|
| Principal              | \$200 |
| Senior Project Manager | \$175 |
| Analyst/Field Staff    | \$125 |

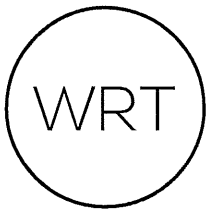


EXHIBIT C-6

CULTIVA LA SALUD

HOURLY BILLING RATES

Program Manager

\$35

RESOLUTION 2019-\_\_\_\_\_

APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WRT, LLC OF SAN FRANCISCO, CALIFORNIA FOR AN UPDATE TO THE CITYWIDE PARKS, RECREATION AND TRAILS MASTER PLAN UPDATE AND PREPARATION OF CONCEPTUAL PLAN FOR THE PROPOSED NATURE PARK (CIP 78179 & CIP 78180) IN AN AMOUNT NOT TO EXCEED \$425,827, AND APPROVING AN APPROPRIATION OF \$11,000 FROM LMD FUND (F271), \$39,000 FROM GENERAL FUND (F301), AND \$76,000 FROM PROGRAM MANAGEMENT FUND (F391) FOR CIP 78179 IN FY 2018-19

WHEREAS, The Parks, Recreation and Trails Master Plan is a planning level document that will outline existing master-planned facilities and upgrades needed to accommodate population forecasting generated within the City's Sphere of Influence under fully developed conditions, and

WHEREAS, The existing Master Plan was adopted in 2013 and needs updating to address current and future population needs, and

WHEREAS, A Request for Proposal for the Parks and Recreation Master Plan Update was issued on May 17, 2018, and

WHEREAS, Five proposals were received and the proposal submitted by WRT, LLC of San Francisco, California was determined to be the most responsive to the City's needs, and

WHEREAS, A Professional Services Agreement was negotiated with a not-to-exceed cost of \$425,827, and

WHEREAS, Currently the amount of available funds for CIP 78179 is \$300,000 and for CIP 78180 is \$100,000; therefore, an appropriation of \$11,000 from LMD Fund (F271), \$39,000 from General Fund (F301), and \$76,000 from Program Management Fund (F391) for CIP 78179 in FY 2018-19 is necessary to fully fund this update;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves a Professional Services Agreement with WRT, LLC, in an amount not-to-exceed \$425,827 for an update to the Parks, Recreation and Trails Master Plan and preparation of the nature park conceptual plan, and approves an appropriation of \$11,000 from LMD Fund (F271), \$39,000 from General Fund (F301), and \$76,000 from Program Management Fund (F391) for CIP 78179 in FY 2018-19.

\* \* \* \* \*

The foregoing Resolution 2019-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 5<sup>th</sup> day of February, 2019, by the following vote:

|          |                  |
|----------|------------------|
| AYES:    | COUNCIL MEMBERS: |
| NOES:    | COUNCIL MEMBERS: |
| ABSENT:  | COUNCIL MEMBERS: |
| ABSTAIN: | COUNCIL MEMBERS: |

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.F

REQUEST

**APPROVE A LEASE AGREEMENT WITH COMBINED SOLAR TECHNOLOGIES, INC. AND APPROVE A LEASE AGREEMENT WITH ARNAUDO BROS., LLC FOR DRYING BEDS**

EXECUTIVE SUMMARY

The City owns two 40-acre paved solar drying beds acquired in 2003 as part of the Holly Sugar property purchase. These two drying beds are leased to two separate entities, and used for different purposes.

Combined Solar Technologies, Inc. (CST) has worked for the past eight years to develop a project to desalinate Tracy's wastewater, commonly referred to as the Tracy Desalination and Green Energy Project. As the desalination project will utilize walnut shells as a fuel source, CST has leased the southerly drying bed since 2016.

Arnaudo Bros. have leased the northerly drying bed since 2008. This drying bed is used for storage of silage and drying agricultural products.

This item seeks Council approval of new leases to the same entities.

DISCUSSION

These drying bed sites are located on the northeast corner of Tracy Boulevard and Sugar Road. Each site is a nominal 40 acres. The term of the lease to CST is through 2035 to match the term of the lease for the parcel where the desalination facility is to be constructed. The term of the lease to the Arnaudo Bros. is five years, from July 1, 2019 to June 30, 2024. Both leases have a termination clause that allow the lease to be ended with six months' notice.

STRATEGIC PLAN

This agenda item is a routine operational item and is not related to the Council's Strategic Plans.

FISCAL IMPACT

The leases provide rent to the Wastewater Fund. Rent for each parcel is \$4,200 per month or \$50,400 per year. Due to the seventeen year term of the CST lease, this lease contains an escalator clause to adjust the rent annually. The rent for the Arnaudo Bros. leased parcel will be remain the same during the term of the lease.

RECOMMENDATION

That the City Council approve:

1. By resolution, the lease agreement with CST.
2. By resolution, the lease agreement with Arnaudo Bros., LLC

Prepared by: Steve Bayley, Project Specialist

Reviewed by: Kul Sharma, Utilities Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

ATTACHMENTS

Attachment A: CST Lease Agreement  
Attachment B: Arnaudo Bros. Lease Agreement



Recorded at the request of  
and after recording, return to:  
**City Clerk, City of Tracy**  
333 Civic Center Plaza  
Tracy, CA 95376  
(No recording fee, under Government Code §27383)

## LEASE AGREEMENT

This Lease Agreement (hereinafter "Agreement") is made and entered into by and between the City of Tracy, a municipal corporation (hereinafter "City"), and Combined Solar Technologies, Inc., a Delaware corporation (hereinafter "Lessee").

### RECITALS

- A. City owns approximately 1,097 acres of land located north of the City of Tracy, commonly known as the former Holly Sugar property, a portion of which is currently used for drying and storing agricultural products.
- B. Lessee, doing business as Tracy Renewable Energy, currently leases a forty acre parcel containing a paved drying bed (Exhibit A; hereinafter "Property") from the City and the lease will expire on December 30, 2018.
- C. Lessee has been working with City for the past seven years to construct a desalination and green energy project to reduce salinity of the City's treated wastewater effluent.
- D. Lessee has entered into a lease agreement for a nearby parcel, APN 212-160-11, on which to construct the desalination and green energy project.
- E. Lessee will generate heat using biofuels and that heat will be used to distill wastewater effluent and separate the salts and water, and dry agricultural products.
- F. In order to store the biofuels, Lessee wishes to enter into this lease agreement for the Property.
- G. The City desires to enter in to the lease agreement bounded by certain restrictions and performance standards on the said forty acre property as a good faith effort to work with the Lessee towards completion of the desalination and green energy project.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE upon the following terms and conditions.

### 1. PROPERTY

City hereby leases to Lessee, and Lessee hereby leases from City, an area of land comprised of approximately forty acres identified as the southerly paved drying bed located on the land commonly known as the former Holly Sugar Property, such drying bed being located on the northeast corner of Tracy Boulevard and Sugar Road, in the County of San Joaquin, State of

California, and as further shown in more particular detail on Exhibit "A" attached hereto (hereinafter referred to as the "Property").

## **2. TERM**

This Agreement will commence on December 31, 2018, and run through June 30, 2035, unless terminated by either City or Lessee. City or Lessee may terminate this Agreement by giving written notice to the other, six months in advance of the termination date. If this Agreement is terminated by either City or Lessee, Lessee must remove all of the stored materials and clean the Property within six months of the written notice.

The Lessee may sublease the Property for the duration of this Agreement; provided, however, that Lessee must remain primarily responsible for upkeep of the Property, pay rent and satisfy all terms of this Agreement.

## **3. LESSEE PAYMENTS**

Lessee agrees to pay City a fixed rate lump sum in the amount of four-thousand, two hundred dollars (\$4,200) per month. Rent shall be due every six months on January 1 and July 1 for the following six month period. The lease payment shall be adjusted annually, beginning January 1, 2020, using the CPI for All Urban Consumers, All Items, San Francisco-Oakland San Jose CMSA, utilizing a base of 1982-1984 = 100, as published by the United States Department of Labor, Bureau of Labor Statistics.

### **3.1 Payment shall be sent to:**

City of Tracy  
RE: Lease of Holly Sugar Drying Beds  
Finance Department  
333 Civic Center Plaza  
Tracy, CA 95376

## **4. USE OF THE PROPERTY**

Lessee agrees to prepare and use the Property for the following uses all at Lessee's own cost and expense:

- 4.1 Use of the Property shall conform to all applicable rules and regulations governing the property, including, but not limited to, local zoning, building and fire codes.
- 4.2 Lessee is responsible for safely securing all property and equipment and for safely storing all materials in accordance with State and local laws.
- 4.3 Lessee shall keep the Property free and clear of all rubbish, trash and weeds.
- 4.4 Upon termination of its tenancy, unless otherwise authorized in writing at the sole option of and by City, Lessee shall return the Property to the same, or substantially similar, condition as exists on the commencement date of this lease.
- 4.5 Lessee and its employees, agents or invitees shall only access the Property from the driveway and gate on Tracy Boulevard, and the driveway and gate on Sugar Road.
- 4.6 Lessee's use of the Property shall not result in a public nuisance or become a source for odors.
- 4.7 Only biofuels and soil amendment materials blended for landscaping are allowed to be received/stored on the Property. Biofuels consist of walnut shell, almond shell, and chipped wood. Soil amendment materials consist of organic compost, and fly ash. Other materials may be received/stored provided the materials are approved in writing by the City.

- 4.7.1 Any existing materials that does not meet the above criteria must be removed from the Property. Storage and/or processing of olive pumace, grape pumace, tomato pumace, potatoes or distillers grain shall be allowed during the first nine months of this lease term. Thereafter no storage and/or processing of olive pumace, grape pumace, tomato pumace, potatoes or distillers grain shall be allowed. Drying of fresh tomato cannery waste is permissible, provided there are minimal odors.
- 4.7.2 All materials must be contained on-site. Lessee shall install fencing along the irrigation supply ditch in order to keep windblown materials from entering the irrigation ditch. All materials must be contained onsite.
- 4.7.3 The Property must be kept safe and accessible as approved by the City at all times.
- 4.7.4 Any material causing a public nuisance, in the reasonable opinion of Code Enforcement, must be removed from the Property within 30 days after notice from the City.
- 4.7.5 The City Fire Department will inspect the Property periodically or on an as needed basis and will make fire hazard and safety assessments with required mitigations. Materials shall be stored in accordance with Fire Department recommendations so as to minimize the risk of a fire. Lessee will comply with the Fire Department requirements within one week of receipt of notice of such requirements. The fully loaded cost of the Fire Inspectors (hourly wages plus overhead) and the cost of reports shall be paid by Lessee within 30 days after the City invoices Lessee for same.

## **5. ACCEPTANCE AND MAINTENANCE OF PROPERTY**

Lessee further agrees that:

- 5.1 Lessee shall accept the Property in its present condition without any liability or obligation on the part of City to remove any material, make any alterations, improvements or repairs of any kind which would constitute a change to the present condition of the Property.
- 5.2 Lessee shall be liable for any and all damage to the Property caused by the Lessee, its employees, agents, sub-lessees, or invitees.

## **6. ALTERATIONS AND MODIFICATIONS**

Lessee covenants and agrees not to install any fixtures or make any alterations, additions, erecting of structures or improvements to the Property without the prior written approval of City. All fixtures installed or additions and improvements made to the Property shall become City's property and shall remain on the Property at the termination of this Agreement, , without compensation or payment to Lessee.

## **7. ASSIGNMENT**

Lessee may not assign this Lease without City's prior written consent.

## **8. REGULATIONS**

Lessee's use of the Property shall comply with all Federal, State and local rules, regulations, laws, ordinances, and directives of competent authority applicable to the use of the Property.

## **9. HOLD HARMLESS**

Lessee shall defend, indemnify, and hold the City, its officials, employees, agents and

volunteers harmless from any and all claims, injuries, damages, losses , or suits, including attorneys' fees, arising out of or in connection with the performance of this Agreement, including, but not limited to, those claims, injuries, damages, losses, or suits, and attorneys' fees based upon nuisance or inverse condemnation , excepting however, those claims, injuries, damages, losses, or suits, including attorneys' fees, for injuries and damages caused by the sole negligence or willful misconduct of the City.

## **10. TAXES**

Lessee shall pay, when due, any real property taxes levied against the leased Property as a result of any possessory interest taxes which may be imposed on Lessee's interest in the leased Property. This provision constitutes written notice to Lessee pursuant to California Revenue and Taxation Code Section 107. City shall not be responsible for payment of any such tax. No such tax shall in any way reduce or substitute for the charges or fees required to be paid as a condition of this Lease or as otherwise required by the City.

## **11. ENTRY AND INSPECTION**

City reserves the right to enter the Property at any time and by whatever means necessary, including, but not limited to, the following situations: (a) in case of emergency , (b) to make necessary repairs and improvements, (c) to supply necessary services, (d) when City reasonably believes that the Lessee has abandoned or surrendered the Property , (e) to inspect the Property for Agreement compliance, (f) pursuant to court order, (g) for necessary tests or surveying , (h) installation or maintenance of irrigation facilities. When entering the Property, City shall take care to minimize disruption to Lessee's operations. City agrees to provide appropriate notification to Lessee of any approved entries to Property that City has given to any third party.

## **12. DEFAULT**

12.1 Lessee shall be in default of this Agreement, if City determines that any of the following conditions exist (which conditions are not intended to constitute the exclusive basis for default):

- (a) Lessee is insolvent, bankrupt, or makes a general assignment of the benefit of the creditors.
- (b) Lessee abandons the Property.
- (c) Lessee violates any legal requirement relating to the Use of the Property.
- (d) Lessee fails to remit payment of any installment or rent or of any amount owed to City.
- (e) Lessee fails to abide by any covenant or condition contained in this Agreement, including but not limited to Use of the Property.

12.2 In the event Lessee, fails within twenty (20) calendar days after receipt of written notice, to either cure the default or provide adequate written assurance to the reasonable satisfaction of City that the cure will be promptly commenced and diligently prosecuted to its completion, the City may, in its discretion, take any or all of the following actions:

- (a) Terminate the Agreement.
- (b) File an unlawful detainer action against Lessee to regain possession of the Property.
- (c) Any other judicial remedies available to City.

### **13. INSURANCE**

13.1 Lessee shall, throughout the duration of this Agreement, maintain insurance to cover Lessee, its agents, representatives, and employees in connection with the Use of the Property and this Agreement at the minimum levels set forth here.

13.2 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$2,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

13.3 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

13.4 Workers' Compensation coverage shall be maintained as required by the State of California.

13.5 Endorsements. Lessee shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

13.5.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

13.5.2 For any claims related to this Agreement, Lessee's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Lessee's insurance and shall not contribute with it.

13.6 Notice of Cancellation. Lessee shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Lessee shall immediately obtain a replacement policy.

13.7 Authorized Insurers. All insurance companies providing coverage to Lessee shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

13.8 Insurance Certificate. Lessee shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

13.9 Substitute Certificates. No later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement, Lessee shall provide a substitute certificate of insurance.

13.10 Lessee's Obligation. Maintenance of insurance by Lessee as specified in this Agreement shall in no way be interpreted as relieving Lessee of any responsibility whatsoever (including indemnity obligations under this Agreement), and Lessee may carry, at its own expense, such additional insurance as it deems necessary.

### **14. WAIVER**

The waiver by either party of any provision or condition of this Agreement shall not be construed to be a waiver of any other provision or condition of this Agreement and shall not preclude the other party from demanding performance in accord with the other terms thereof nor shall any such waiver be construed to be permanent unless such waiver is in writing and signed by both City and Lessee.

### **15. FORCE MAJEURE**

Except as to the payment of rent and for damages chargeable to the responsible party, neither City nor Lessee shall be chargeable with, liable for, or responsible to the other for anything or in any amount for any delay caused by fire, earthquake, explosion, the elements,

acts of God, riots, strikes, lockouts and any delay due to said causes or any of them shall not be deemed a breach of or default in the performance of this Agreement.

**16. RELATIONSHIP OF PARTIES**

The relationship between City and Lessee shall always and only be that of lessor and lessee. Lessee shall never at any time during the term of this Agreement become the agent of City, and City shall not be responsible for the acts or omissions of Lessee or its agents.

**17. SEVERABILITY**

The unenforceability, invalidity, or illegality of any of provision herein shall not render the other provisions unenforceable, invalid, or illegal.

**18. RECORDATION**

Pursuant to Government Code § 37393, this Agreement shall be recorded in the Office of the County Recorder, County of San Joaquin, State of California.

**19. NOTICES**

All notices to the parties shall be in writing and shall be addressed and mailed to their representatives as follows:

**City:**

City of Tracy  
Utilities Director  
3900 Holly Drive  
Tracy, CA 95304

**Lessee:**

Combined Solar Technologies, Inc.  
Frank Schubert  
P O Box 583  
Tracy, CA 95378

**With a copy to:**

City Attorney  
333 Civic Center Plaza  
Tracy, CA 95376

Intentionally left blank

**20. SIGNATURES**

The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Lessee and City. This Agreement shall insure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties agree to the full performance of the terms set forth.

**CITY OF TRACY**

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

**LESSEE**

By: Frank Schenck

Title: PRESIDENT

Date: 11/29/2018

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Exhibit A

Tracy Blvd

Property

Sugar Road





Recorded at the request of  
and after recording, return to:  
**City Clerk, City of Tracy**  
333 Civic Center Plaza  
Tracy, CA 95376  
(No recording fee, under Government Code §27383)

## **LEASE AGREEMENT**

THIS Lease Agreement (hereinafter "Agreement") is made and entered into by and between the City of Tracy, a municipal corporation (hereinafter "City"), and Arnaudo Bros., Inc., a California Limited Liability Company (hereinafter "Lessee").

### **RECITALS**

- A. City owns approximately 1,097 acres of land located north of the City of Tracy, commonly known as the former Holly Sugar property, a portion of which is currently used for drying and storing agricultural products.
- B. Lessee is a California corporation engaged in the delivery, processing, storage and distribution of silage.
- C. Lessee currently leases the forty acre parcel, depicted in Exhibit A; (hereinafter "Property") from the City and the lease will expire on June 30, 2019.
- D. City desires to lease the Property to Lessee, and Lessee desires to lease said Property from City, which is the subject of this Agreement.

**NOW THEREFORE, THE PARTIES MUTUALLY AGREE** upon the following terms and conditions:

**1. Term:**

This Agreement will commence on July 1, 2019 and will run through June 30, 2024 unless otherwise terminated by either City or Lessee. City or Lessee may terminate this Agreement by giving written notice to the other six months in advance of the termination date.

**2. Lease Payment:**

Lessee agrees to pay City a fixed rate lump sum in the amount of four-thousand, two hundred dollars (\$4,200) per month. Rent is due on the first day of January and the first day of July for the succeeding six (6) month period that the Agreement is in effect. The first lease payment under this Agreement shall be due on July 1, 2019.

2.1 Payment shall be sent to:

City of Tracy  
Re: Drying Bed Lease  
Finance Department  
333 Civic Center Plaza  
Tracy, CA 95376

3. **Property:**

City leases to Lessee, and Lessee leases from City, an area of land comprised of roughly forty acres identified as the northerly paved drying bed located on the land commonly known as the former Holly Sugar Property, such drying bed being located off Tracy Boulevard, in the County of San Joaquin, State of California, and as further shown in more particular detail on Exhibit "A" attached hereto (hereinafter referred to as the "Property").

4. **Use:**

Lessee agrees to prepare the Property all at Lessee's own cost and expense. Lessee further agrees as follows:

4.1 Use of the Property shall conform to all applicable rules and regulations governing the property, including, but not limited to, local zoning, building and fire codes.

4.2 Lessee is responsible for safely securing all property and equipment and for safely storing all materials in accordance with State and local laws.

4.3 Lessee shall keep the Property free and clear of all rubbish, trash and weeds.

4.4 Upon termination of its tenancy, Lessee shall return the Property to the same, or substantially similar, condition as exists on the commencement date of this lease.

4.5 Lessee and its employees, agents or invitees shall access the Property from the driveway and gate on Tracy Boulevard only.

4.6 Lessee shall use the Property only for the delivery, processing, storage and distribution of silage and/or bulk livestock feed. No storage or processing of olive pumace, grape pumace, tomato pumace, or distillers grain shall be allowed. Drying of fresh tomato cannery waste is permissible, provided there are minimal odors. Other materials may be received/ processed/stored provided the materials are approved in writing by the City. All materials must be contained on-site. Lessee shall install fencing along the irrigation supply ditch in order to keep windblown materials from entering the irrigation ditch.

5. **Acceptance and Maintenance of Property:**

Lessee further agrees that:

5.1 Lessee shall accept the Property in its present condition without any liability or obligation on the part of City to make any alterations, improvements or repairs of any kind which would constitute a change to the present condition of the Property.

5.2 Lessee shall be liable for any and all damage to the Property caused by the Lessee, its employees, agents or invitees.

**6. Alterations and Modifications:**

Lessee covenants and agrees not to install any fixtures or make any alterations, additions, erecting of structures or improvements to the Property without the prior written approval of City. All fixtures installed or additions and improvements made to the Property shall become City's property and shall remain on the Property at the termination of this Lease Agreement, however such is terminated, without compensation or payment to Lessee. A truck scale is permitted and will remain the property of the Lessee to be removed at the termination of this Lease.

**7. Sublease:**

Lessee may not voluntarily or involuntarily assign or sublease this Lease without first obtaining City's written consent.

**8. Regulations:**

Lessee's use of the Property shall comply with all Federal, State and local rules, regulations, laws, ordinances, and directives of competent authority applicable to the use of the Property.

**9. Hold Harmless:**

Lessee shall defend, indemnify, and hold the City, its officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including attorneys' fees, arising out of or in connection with the performance of this Lease, including, but not limited to, those claims, injuries, damages, losses, or suits, and attorneys' fees based upon nuisance or inverse condemnation, excepting however, those claims, injuries, damages, losses, or suits, including attorneys' fees, for injuries and damages caused by the sole negligence of the City.

**10. Taxes:**

Lessee shall pay, when due, any real property taxes levied against the leased Property as a result of any possessory interest taxes which may be imposed on Lessee's interest in the leased Property. This provision constitutes written notice to Lessee pursuant to California Revenue and Taxation Code Section 107. City shall not be responsible for payment of any such tax. No such tax shall in any way reduce or substitute for the charges or fees required to be paid as a condition of this Lease or as otherwise required by the City.

**11. Entry and Inspection:**

City reserves the right to enter the Property at any time and by whatever means necessary, including, but not limited to, the following situations: (a) in case of emergency, (b) to make necessary repairs and improvements, (c) to supply necessary services, (d) when City reasonably believes that the Lessee has abandoned or surrendered the Property, (e) to inspect the Property for Lease compliance, (f) pursuant to court order, (g) for necessary tests or surveying, or (h) installation and maintenance of irrigation facilities. When entering the Property, City shall take care to minimize disruption to Lessee's operations. City agrees to provide appropriate notification to Lessee of any approved entries to Property that City has given to any third party.

## **12. Default:**

12.1 Lessee shall be in default of this Lease, if City determines that any of the following conditions exist (which conditions are not intended to constitute the exclusive basis for default):

- (a) Lessee is insolvent, bankrupt, or makes a general assignment of the benefit of the creditors.
- (b) Lessee abandons the Property.
- (c) Lessee violates any legal requirement relating to the Use of the Property.
- (d) Lessee fails to remit payment of any installment or rent or of any amount owed to City
- (e) Lessee fails to abide by any covenant or condition contained in this Lease, including but not limited to Section 4 "Use".

12.2 In the event Lessee, fails within twenty (20) calendar days after receipt of written notice, to either cure the default or provide adequate written assurance to the reasonable satisfaction of City that the cure will be promptly commenced and diligently prosecuted to its completion, the City may, in its discretion, take any or all of the following actions:

- (a) Terminate the lease.
- (b) File an unlawful detainer action against Lessee to regain possession of the Property.
- (c) Any other judicial remedies available to City.

## **13. Insurance:**

13.1 Lessee shall, throughout the duration of this Agreement, maintain insurance to cover Lessee, its agents, representatives, and employees in connection with the Use of the Property and this Agreement at the minimum levels set forth here.

13.2 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$2,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

13.3 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

13.4 Workers' Compensation coverage shall be maintained as required by the State of California.

13.5 Endorsements. Lessee shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

13.5.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

13.5.2 For any claims related to this Agreement, Lessee's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Lessee's insurance and shall not contribute with it.

13.6 Notice of Cancellation. Lessee shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Lessee shall immediately obtain a replacement policy.

13.7 Authorized Insurers. All insurance companies providing coverage to Lessee shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

13.8 Insurance Certificate. Lessee shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

13.9 Substitute Certificates. No later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement, Lessee shall provide a substitute certificate of insurance.

13.10 Lessee's Obligation. Maintenance of insurance by Lessee as specified in this Agreement shall in no way be interpreted as relieving Lessee of any responsibility whatsoever (including indemnity obligations under this Agreement), and Lessee may carry, at its own expense, such additional insurance as it deems necessary.

14. **Waiver:**

The waiver by either party of any provision or condition of this Lease Agreement shall not be construed to be a waiver of any other provision or condition of this Lease Agreement and shall not preclude the other party from demanding performance in accord with the other terms thereof nor shall any such waiver be construed to be permanent unless such waiver is in writing and signed by both City and Lessee.

15. **Force Majeure:**

Except as to the payment of rent and for damages chargeable to the responsible party, neither City nor Lessee shall be chargeable with, liable for, or responsible to the other for anything or in any amount for any delay caused by fire, earthquake, explosion, the elements, acts of God, riots, strikes, lockouts and any delay due to said causes or any of them shall not be deemed a breach of or default in the performance of this Lease Agreement.

16. **Relationship of Parties:**

The relationship between City and Lessee shall always and only be that of lessor and lessee. Lessee shall never at any time during the term of this Lease Agreement become the agent of City, and City shall not be responsible for the acts or omissions of Lessee or its agents.

17. **Severability:**

The unenforceability, invalidity, or illegality of any of provision herein shall not render the other provisions unenforceable, invalid, or illegal.

18. **Recordation:**

Pursuant to Government Code § 37393, this Agreement may be recorded in the Office of the County Recorder, County of San Joaquin, State of California.

19. **Notices:**

All notices to the parties shall be in writing and shall be addressed and mailed to their representatives as follows:

**City:**

City of Tracy  
Director of Public Works  
520 Tracy Boulevard  
Tracy, CA 95376

**Lessee:**

Arnaudo Bros., Inc.  
16505 S. Tracy Blvd.  
Tracy, CA 95304

**With a copy to:**

City Attorney  
333 Civic Center Plaza  
Tracy, CA 95376

20. **Signatures**

The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Lessee and City. This Agreement shall insure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties agree to the full performance of the terms set forth.

**CITY OF TRACY**

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

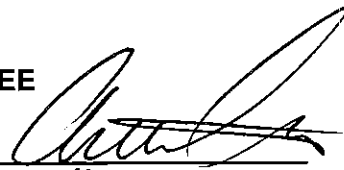
Attest: \_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

**LESSEE**

By:  \_\_\_\_\_  
Title: V.P. Arnaudo Bros Inc.

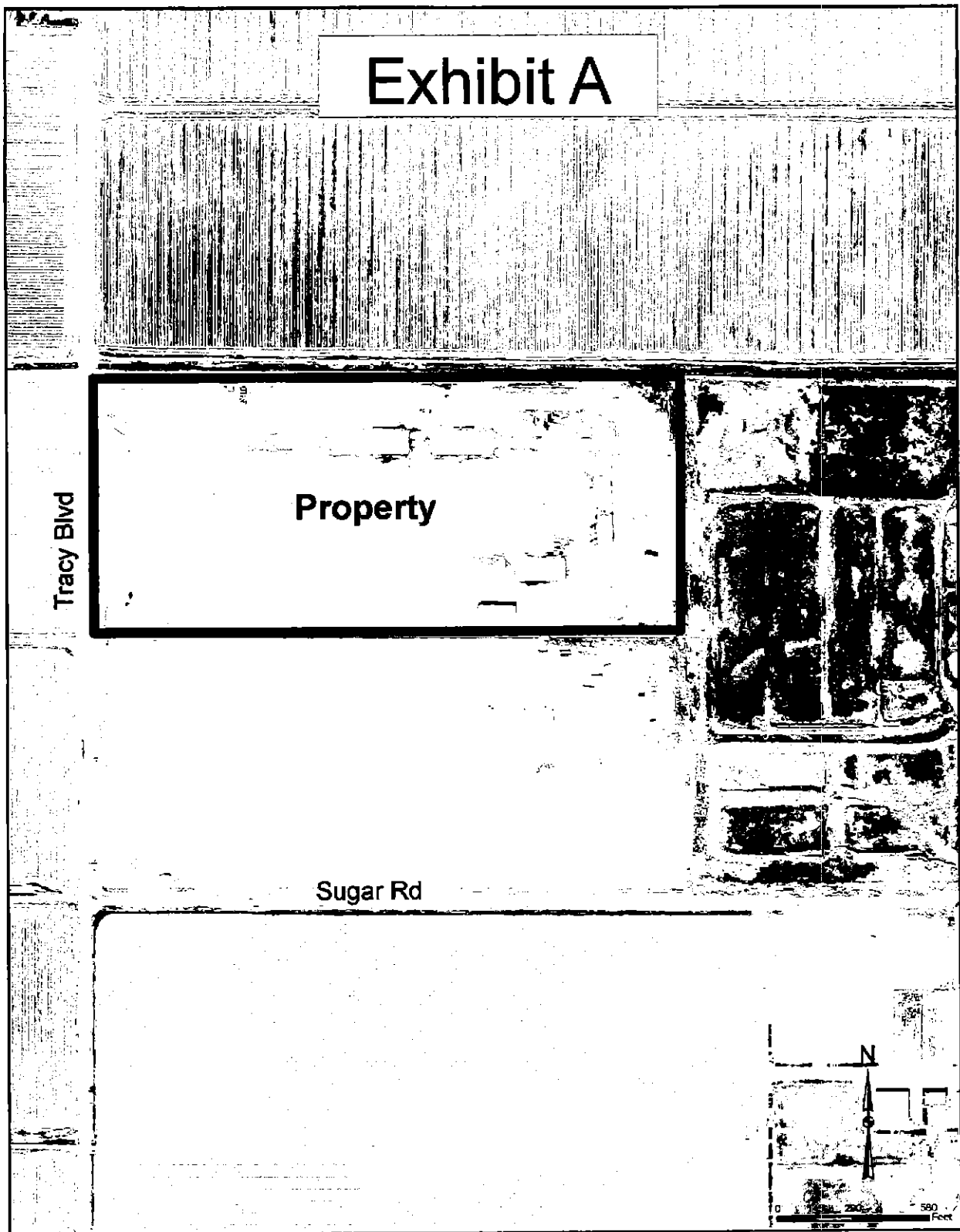
Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Exhibit A



RESOLUTION 2019-\_\_\_\_\_

APPROVING A LEASE AGREEMENT WITH COMBINED SOLAR TECHNOLOGIES, INC.

WHEREAS, The City owns two 40-acre paved solar drying beds acquired in 2003 as part of the Holly Sugar property purchase, and

WHEREAS, These drying bed sites are located on the northeast corner of Tracy Boulevard and Sugar Road, and

WHEREAS, These two drying beds are leased to two separate entities, and used for different purposes, and

WHEREAS, Combined Solar Technologies, Inc. (CST) has worked for the past eight years to develop a project to desalinate Tracy's wastewater, commonly referred to as the Tracy Desalination and Green Energy Project, and

WHEREAS, As the desalination project will utilize walnut shells as a fuel source, CST has leased the southerly drying bed since 2016, and

WHEREAS, The term of the lease to CST is through 2035 to match the term of the lease for the parcel where the desalination facility is to be constructed, and

WHEREAS, This lease has a termination clause that allow the lease to be ended with six months' notice, and

WHEREAS, Rent for the parcel is \$4,200 per month or \$50,400 per year, and

WHEREAS, Due to the seventeen year term of the CST lease, this lease contains an escalator clause to adjust the rent annually;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council approves a Lease Agreement With Combined Solar Technologies, Inc.

\*\*\*\*\*

The foregoing Resolution 2019-\_\_\_\_\_ was adopted by Tracy City Council on the 5<sup>th</sup> day of February, 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK



RESOLUTION 2019-\_\_\_\_\_

APPROVING A LEASE AGREEMENT WITH ARNAUDO BROS., LLC FOR DRYING BEDS

WHEREAS, The City owns two 40-acre paved solar drying beds acquired in 2003 as part of the Holly Sugar property purchase, and

WHEREAS, These drying bed sites are located on the northeast corner of Tracy Boulevard and Sugar Road, and

WHEREAS, These two drying beds are leased to two separate entities, and used for different purposes, and

WHEREAS, Arnaudo Bros. have leased the northerly drying bed since 2008, and

WHEREAS, This drying bed is used for storage of silage and drying agricultural products, and

WHEREAS, The term of the lease to the Arnaudo Bros. is five years, from July 1, 2019 to June 30, 2024, and

WHEREAS, This lease has a termination clause that allow the lease to be ended with six months' notice, and

WHEREAS, Rent for the parcel is \$4,200 per month or \$50,400 per year;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council approves a Lease Agreement with Arnaudo Bros, LLC for drying beds.

\* \* \* \* \*

The foregoing Resolution 2019-\_\_\_\_\_ was adopted by Tracy City Council on the 5th day of February, 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.G

REQUEST

**AUTHORIZE THE ESTABLISHMENT OF A FOUR-WAY STOP AT THE  
INTERSECTION OF W. 12<sup>th</sup> STREET AND BESSIE AVENUE**

EXECUTIVE SUMMARY

This item seeks Council's authorization to install a four-way stop sign and marking at an intersection in accordance with Tracy Municipal Code section 3.08.180. Installation of a four-way stop sign and marking at the intersection of W. 12<sup>th</sup> Street and Bessie Avenue is being recommended by the Traffic Committee to improve traffic circulation, as requested by residents and the Police Department.

DISCUSSION

12<sup>th</sup> Street is a two-lane east west residential collector street and Bessie Avenue is a two-lane north south residential collector street. The intersection of 12<sup>th</sup> Street and Bessie Avenue has a two-way stop on 12<sup>th</sup> Street with Bessie Avenue being through streets. The intersection is very close to the major arterial 11<sup>th</sup> Street.

The Traffic Committee, comprised of representatives from the Police Department, Public Works Department and the Engineering Division, meets once every month to discuss and resolve traffic related issues in the City. Residents and the Police Department had requested the Traffic Committee to investigate the possibility of installing a four-way stop at this intersection. Pursuant to Tracy Municipal Code section 3.08.180, Council has the authority to designate which streets stop signs should be erected.

Intersection four-way stop control is determined by the requirements in the Manual of Uniform Traffic Control Devices (MUTCD) based on traffic volumes, speed and collision history.

The Engineering Division conducted a traffic count for this location and performed the all-way warrant analysis in accordance with the requirements of the MUTCD. The traffic counts at this intersection warrant the four-way stop based on this analysis. The stop sign will require all vehicles to stop at the intersection allowing pedestrians to cross safely and allow for safe movement of all vehicles based on approach right-of-way.

Installation of stop signs and striping has been coordinated with the Public Works Department and will be installed from the existing operating budget if this item is approved by City Council.

FISCAL IMPACT

The cost to install appropriate signage and striping is a budgeted item within the street operating budget of the Public Works Department.

RECOMMENDATION

That City Council, by resolution, authorize the establishment of a four-way stop sign and marking at the intersection of 12<sup>th</sup> Street and Bessie Avenue.

Prepared by: Anju Pillai, PE, Associate Civil Engineer  
Zabih Zaca, PE, Senior Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director  
Don Scholl, Public Works Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

RESOLUTION 2019-\_\_\_\_\_

AUTHORIZING THE ESTABLISHMENT OF A FOUR-WAY STOP AT THE INTERSECTION OF  
12<sup>th</sup> STREET AND BESSIE AVENUE

WHEREAS, 12<sup>th</sup> Street is a two-lane east west residential collector street and Bessie Avenue is a two-lane north south residential collector street, and

WHEREAS, The intersection of 12<sup>th</sup> Street and Bessie is a controlled intersection that has a two-way stop on 12<sup>th</sup> Street, with Bessie Avenue being through streets, and

WHEREAS, The Traffic Committee, comprised of representatives from the Police Department, Public Works Department and the Engineering Division, meets once every month to discuss and resolve traffic related issues in the City, and

WHEREAS, Residents and the Police Department had requested the Traffic Committee to investigate the possibility of installing four-way stop at this intersection, and

WHEREAS, The Intersection four-way stop control is determined by the requirements in the Manual of Uniform Traffic Control Devices (MUTCD) based on traffic volumes, speed and collision history, and

WHEREAS, The Engineering Division performed the all-way stop warrant analysis at this intersection in accordance with the requirements of the MUTCD, and

WHEREAS, The traffic counts at this intersection warrant for the four-way stop, and

WHEREAS, Installation of stop signs and striping has been coordinated with the Public Works Department and will be installed from the existing operating budget if this item is approved by City Council;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby authorizes the establishment of a four-way stop sign and marking at the intersection of 12<sup>th</sup> Street and Bessie Avenue, pursuant to Section 3.08.180 of the Tracy Municipal Code.

\* \* \* \* \*

The foregoing Resolution 2019-\_\_\_\_\_ was passed and adopted by the City Council on the 5<sup>th</sup> day of February, 2019, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

February 5, 2019

AGENDA ITEM 1.H

REQUEST

**AWARD A CONSTRUCTION CONTRACT TO PACIFIC EXCAVATION, INC., OF ELK GROVE, CALIFORNIA, FOR THE STREET LIGHT INSTALLATION AND CONDUIT REPAIR PROJECT, CIP 72112 AND CIP 73169, IN THE AMOUNT OF \$181,960, APPROVE A CONTINGENCY AMOUNT OF \$18,190, APPROPRIATE \$88,150 FROM GAS TAX AND UN-FUND GAS TAX FUNDS PREVIOUSLY COMMITTED TO CIP 72086, WITH A TOTAL PROJECT COST OF \$214,150**

EXECUTIVE SUMMARY

City staff requests that City Council award a construction contract for the Street Light Installation and Conduit Repair Project, CIP 72112 and CIP 73169 and approve a contingency amount of \$18,190. Staff further requests that Council appropriate funds to fully fund the project.

DISCUSSION

The City's Utility Department maintains a list of locations where the existing street lights have been damaged by vehicle collisions and requires replacement within the City. The Utility Department also maintains a list of locations where the existing street light conduits have been damaged and need replacement because they feed the power to the existing street lights.

This Project involves the installation of street lights and also installation of conduits for street lights at various locations selected from these repair lists.

Engineering staff prepared the plans and specifications and advertised the project for competitive bids on November 9, and November 16, 2018.

Bids were received and publicly opened at 2:00 p.m. on Tuesday, December 4, 2018, with the following results:

| <u>Contractor</u>                          | <u>Base Bid</u> |
|--------------------------------------------|-----------------|
| Pacific Excavation, Inc., Elk Grove        | \$181,960       |
| Crosspoint General Engineering, Palo Cedro | \$239,000       |
| Ray's Electric, Oakland                    | \$302,250       |
| T&S Intermodal Maintenance, Inc., Stockton | \$530,000       |

Bid analysis indicates that the lowest monetary bid is responsive and the bidder, Pacific Excavation, of Elk Grove, California, is responsible. The bidder has the appropriate contractor's license in active standing with the State of California, and has completed similar projects for other public agencies.

The total estimated cost of this project, if awarded to the low bidder, is as follows:

|                                    |                  |
|------------------------------------|------------------|
| Construction Bid                   | \$181,960        |
| Construction Management (5%)       | \$9,000          |
| Design Support During Construction | \$5,000          |
| Contingency @ 10%                  | <u>\$18,190</u>  |
| <b>Total Project Cost</b>          | <b>\$214,150</b> |

Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by Council. City staff recommends the contingency amount for this project to be \$18,190, which is 10% of the construction contract cost.

### STRATEGIC PLAN

The agenda item is a routine operational item and is not related to the Council's Strategic Plans.

### FISCAL IMPACT

The estimated project cost is \$214,150 to be funded as follows:

|               |                  |
|---------------|------------------|
| CIP 72112     | \$50,000         |
| CIP 73169     | \$76,000         |
| Gas Tax (245) | <u>\$88,150</u>  |
| <b>Total</b>  | <b>\$214,150</b> |

Un-fund previously committed Gas Tax (245) funds of \$99,159 from and close CIP 72086 FY13 Traffic Calming.

### RECOMMENDATION

Staff recommends that City Council by resolution, award a construction contract to Pacific Excavation Inc, of Elk Grove, California in the amount of \$181,960, for the Street Light Installation and Conduit Repair Project CIP 72112 and CIP 73169, approve a contingency amount of \$18,190 if needed, and appropriate \$88,150 from Gas Tax (245), un-fund and close CIP 72086, for a total project cost of \$214,150.

Prepared by: Anju Pillai, PE, Associate Civil Engineer  
Zabih Zaca, PE, Senior Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer/Assistant Development Services Director  
Karin Schnaider, Finance Director  
Kuldeep Sharma, PE, Utilities Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

RESOLUTION 2019-\_\_\_\_\_

AWARDING A CONSTRUCTION CONTRACT TO PACIFIC EXCAVATION, INC., OF ELK GROVE, CALIFORNIA, FOR THE STREET LIGHT INSTALLATION AND CONDUIT REPAIR PROJECT, CIP 72112 AND CIP 73169 IN THE AMOUNT OF \$181,960, APPROVING A CONTINGENCY AMOUNT OF \$18,190, APPROPRIATING \$88,150 FROM GAS TAX AND UN-FUNDING GAS TAX FUNDS PREVIOUSLY COMMITTED TO CIP 72086, WITH A TOTAL PROJECT COST OF \$214,150

WHEREAS, The City's Utility Department maintains a list of locations where the existing street lights have been damaged by vehicle collisions and requires replacement within the City, and

WHEREAS, The Utility Department also maintains a list of locations where the existing street light conduits have been damaged and need replacement because they are feeding power to the existing street lights, and

WHEREAS, This Project involves the installation of street lights and also installation of conduits for street lights at various locations selected from this repair list, and

WHEREAS, The Project was advertised for competitive bids on November 9, and November 16, 2018, bids were received and publicly opened at 2:00 p.m., on December 4, 2018, and

WHEREAS, Pacific Excavation, Inc., is the lowest monetary bidder, bid analysis indicates their bid is "responsive" and the bidder is "responsible," and

WHEREAS, These are approved Capital Improvement Projects for FY 2016-17, funded by the Gas Tax, and as such, there will be no impact to the General Fund, and

WHEREAS, Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by City Council, and

WHEREAS, The recommended contingency amount for this project is \$18,190, and

WHEREAS, The previously committed Gas Tax (245) funds to CIP 72086 will be unfunded and that project will be closed;

NOW, THEREFORE BE IT RESOLVED, That City Council of the City of Tracy hereby awards a construction contract to Pacific Excavation, Inc., of Elk Grove, California in the amount of \$181,960, for the Street Light Installation and Conduit Repair Project CIP 72112 and CIP 73169, approves a contingency amount of \$18,190 if needed, and appropriates \$88,150 from Gas Tax (245), to un-fund and close CIP 72086, for a total project cost of \$214,150.

\* \* \* \* \*

The foregoing Resolution 2019-\_\_\_\_\_ was adopted by the Tracy City Council on the 5<sup>th</sup> day of February 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK



AGENDA ITEM 1.I

REQUEST

**AUTHORIZE THE PURCHASE OF SPORTS FIELD LIGHTING EQUIPMENT AND SHADE STRUCTURES IN THE AMOUNT OF \$2,923,394 FOR PHASE 1D OF THE LEGACY FIELDS SPORTS COMPLEX CIP 78164 AND ADOPT A RESOLUTION DECLARING INTENTION TO REIMBURSE EXPENDITURES FOR THE LEGACY FIELDS PROJECT FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY AND DIRECTING CERTAIN ACTIONS**

EXECUTIVE SUMMARY

The Parks & Recreation Department is finalizing construction documents for Legacy Fields Sports Complex - Phase 1D. A significant part of the project includes purchase and installation of new sports field lighting and shade structures. This request seeks to authorize the purchase of equipment directly from its respective manufacturer in order to save time and money.

In addition, staff is asking Council to declare its intent to issue tax-exempt bonds to reimburse expenditures for the entire Legacy Fields Sports Complex.

DISCUSSION

On July 17, 2018, Council authorized \$7.9 million to fund Legacy Fields Phase 1D. That phase includes; sports field lighting, shade structures, plaza spaces, security cameras and additional landscaping. Since the facility is currently in high-demand, staff is looking at ways to reduce the construction impacts to users by expediting the construction.

Staff plans to secure bids for construction of Legacy Fields Phase 1D in early 2019 and will return to Council to award the construction contract. Installation of the sports field lighting and shade structures listed in this staff report will be a part of the bid package. Those materials, including notations regarding the City's purchase of said materials, have been coordinated into the plans and specifications within the bid documents.

By purchasing the equipment in advance and directly from manufacturers, staff expects to minimize production time delays to the project. Additionally, purchasing equipment from the manufacturer directly eliminates any additional processing or mark-up fees compared to working through a contractor to purchase these items. Additional benefits specific to each item are listed below.

Sports Field Lighting

A major component of Phase 1D is the sports field lighting. Lighting will create more playable hours throughout the year. With construction planned to start in late-April 2019, time is of the essence to have the lighting operational before daylight hours decrease again. Once Council authorizes the purchase, the manufacturing of these lights can begin within weeks and help reduce the possibility of delays during construction. In addition to scheduling benefits, staff proposes to purchase field lights from Musco Lighting, which manufactured the field lights in two of the City's other sport complexes.

Purchasing the field lights from Musco Lighting reduces the amount of training needed for City staff to operate and maintain the equipment, as well as allowing for one point of contact for replacement parts, warranty issues, troubleshooting, etc. Using the lighting system from this manufacturer will also create a consistent and familiar aesthetic throughout the City's system of sports complexes. For context, Ritter Family Ball Park is the only City park with a different lighting system and it requires daily staff hours to drive on site to operate and troubleshoot issues that arise. Furthermore, staff recommends Council authorize this direct purchase using Sourcewell (formerly National Joint Powers Alliance NJPA).

Sourcewell is a municipal contracting government agency that serves education and government agencies nationally through competitively bid and awarded contract purchasing solutions. The City of Tracy is an established customer with Sourcewell and is authorized to make purchases using the Sourcewell cooperative purchasing agreements, per Tracy Municipal Code section 2.20.220.

#### Shade Structures

There are currently six (6) Icon shade structures installed within the complex. These structures have unique architecture and a manufacturer-specific color palette. In order to provide a cohesive, thematic and destination-type facility, staff recommends the purchase of additional shade structures from NSP3 (Northstate Playgrounds), which manufactured the shade structures currently installed at the complex. This will expand the offerings and achieve visual consistency throughout the complex. Also, there are added benefits and efficiencies with purchasing the same equipment in terms of replacement parts and ongoing maintenance as well. Staff recommends the Council authorize the direct purchase of twenty-one (21) Icon shade structures through NSP3 via NPPGov (National Purchasing Partners).

NPPGov is a national cooperative procurement organization based in Seattle, WA offering publicly solicited contracts to government entities nationwide. The City is also able to purchase from this organization, per Tracy Municipal Code section 2.20.220.

Below is a list of the equipment that will be purchased, including the vendor(s) that will be used.

| <b>Description</b>                                                     | <b>Vendor</b>  | <b>Cost</b> | <b>Reason for Award</b>                       |
|------------------------------------------------------------------------|----------------|-------------|-----------------------------------------------|
| Sports Field Lighting<br>Baseball fields (Materials Only)              | Musco Lighting | \$787,750   | Sourcewell (NJPA)<br>Contract # 082114-MSL    |
| Sports Field Lighting<br>Soccer Fields (Materials Only)                | Musco Lighting | \$1,420,500 |                                               |
| Spectator Shade Structure<br>12'x25'14' - 7 units<br>(Materials Only)  | NSP3           | \$176,118   | National Purchasing<br>Partners Contract #570 |
| Spectator Shade Structure<br>18'x25'14' - 10 units<br>(Materials Only) | NSP3           | \$369,806   |                                               |
| Spectator Shade Structure<br>20'x36'x14' - 4 units<br>(Materials Only) | NSP3           | \$169,220   |                                               |

#### Reimbursement Resolution

Under federal tax law, the City may issue tax-exempt bonds to reimburse prior expenditures by the City for capital projects only if it has declared its intent to do so no later than 60 days after it has made the expenditures. Bond counsel suggested that the City adopt a reimbursement resolution for the entire Legacy Fields Sports Complex rather than just Phase 1D in order to avoid multiple phase-specific resolutions and to preserve maximum flexibility while the financing plan is finalized. Adopting this resolution does not commit the City to pay for the entire project or to issue bonds.

#### STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted Quality of Life Strategy and meets the following goals:

Goal 4: Engage in Efforts to Enhance Community Aesthetics.

Goal 5: Improve current recreational, cultural arts and entertainment programming and services to reflect community interests and demands.

#### FISCAL IMPACT

On July 17, 2018, Council authorized \$7.9 million to fund Legacy Fields Phase 1D. That phase includes; sports field lighting, shade structures, plaza spaces, security cameras and additional landscaping. The City intends to issue bond obligations for the purpose of paying the costs of acquisition and construction for CIP 78164. The City expects to pay certain costs of the Project prior to the date of issuance of the Obligations and to use a portion of the proceeds of the Obligations for reimbursement of expenditures for CIP 78164 that are paid before the date of issuance of the bonds.

#### RECOMMENDATION

That City Council, by resolution, authorize the purchase of sports field lighting and shades structures in the amount of \$2,923,394 at Legacy Fields Sports Complex and adopt a resolution declaring intention to reimburse expenditures on the Legacy Fields Sports Complex from the proceeds of tax-exempt obligations to be issued by the City and directing certain actions.

Prepared by: Richard Joaquin, Parks Planning & Development Manager

Reviewed by: Brian MacDonald, Parks & Recreation Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

RESOLUTION \_\_\_\_\_

AUTHORIZING THE PURCHASE OF SPORTS FIELD LIGHTING EQUIPMENT AND SHADE STRUCTURES IN THE AMOUNT OF \$2,923,394 FOR LEGACY FIELDS SPORTS COMPLEX.

WHEREAS, Council authorized \$7.9 million to fund Legacy Fields Phase 1D and that phase includes; sports field lighting, shade structures, plaza spaces, security cameras and additional landscaping, and

WHEREAS, The facility is currently in high-demand and staff is looking at ways to reduce the construction impacts to users by expediting the construction, and

WHEREAS, Staff has received bids for sports field lighting from Sourcewell (formerly National Powers Alliance NJPA) and for shade structures from NPPGov (National Purchasing Partners), and

WHEREAS, The City is authorized to make purchases using cooperative purchasing agreements under Tracy Municipal Code Section 2.20.220, and

WHEREAS, due to the financial size and scope of the Project, the City intends to issue tax-exempt bonds in a principal amount not to exceed \$2,923,394 to pay the costs of material acquisition for the Project;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby authorizes the purchase of sports field lighting and shade structures in the amount of \$2,923,394 as set forth in the staff report accompanying this item.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was adopted by City Council on the 5<sup>th</sup> day of February 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING INTENTION TO REIMBURSE  
EXPENDITURES FROM THE PROCEEDS OF OBLIGATIONS  
TO BE ISSUED BY THE CITY AND DIRECTING CERTAIN ACTIONS**

RESOLVED, by the City Council (the "Council") of the City of Tracy (the "City"), State of California that:

WHEREAS, the City proposes to undertake the project referenced below, to issue debt for such project and to use a portion of the proceeds of such debt to reimburse expenditures made for the project prior to the issuance of the debt;

WHEREAS, United States Income Tax Regulations section 1.150-2 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, one of which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer declares an intention to reimburse such expenditure; and

WHEREAS, it is in the public interest and for the public benefit that the City declares its official intent to reimburse the expenditures referenced herein.

NOW THEREFORE BE IT RESOLVED as follows:

1. The City intends to issue obligations (the "Obligations") for the purpose of paying the costs associated with design, acquisition and construction of the Legacy Fields Sports Complex (the "Project").

2. The City hereby declares that it reasonably expects (i) to pay certain costs of the Project prior to the date of issuance of the Obligations and (ii) to use a portion of the proceeds of the Obligations for reimbursement of expenditures for the Project that are paid before the date of issuance of the Obligations.

3. The maximum principal amount of the Obligations is \$10,000,000.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was adopted by the Tracy City Council on the 5th day of February, 2019, by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

By: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.J

REQUEST

**APPROVE A NEW CAPITAL IMPROVEMENT PROJECT (CIP) FOR A FIRE DEPARTMENT TRAINING TOWER SITE WITH A NOT TO EXCEED AMOUNT BUDGET OF \$450,000; ACCEPT FUNDING FROM TRACY RURAL FIRE PROTECTION DISTRICT FOR \$200,000 AND APPROPRIATE \$250,000 FROM RESERVES IN THE INTERNAL SERVICE-EQUIPMENT (605) FOR SITE IMPROVEMENTS AT NEI RESERVOIR**

EXECUTIVE SUMMARY

Fire Department staff is requesting new CIP and appropriations from Fund 605 Internal Services –Equipment fund to design and construct site improvements at NEI Reservoir for placement of a new mobile Training Tower facility. The estimated cost of the site improvements is \$450,000, which includes the need for drainage improvements at the site. The Fire department is requested funding from both the City and the Rural District. The Rural District approved \$200,000 in funding for these improvements. Staff is requesting authorization to appropriate \$250,000 from ISF-Equipment reserves to fund the City's share of the site improvements.

DISCUSSION

On November 17, 2016, the fire department applied for Assistance to Firefighters Grants (AFG) grant through the Federal Emergency Management Agency (FEMA) for a mobile training tower.

On June 23, 2017, the fire department was notified their application for financial assistance under the AFG program was approved for \$262,000. On October 17, 2017, the City Council passed Resolution 2017-217 funding the city share of the grant award to purchase the mobile training tower.

During this time, staff initiated research on potential locations for the mobile training tower. An evaluation of geotechnical reports, earthwork, erosion control, hardscape, drainage, landscape and maintenance were all considered in the determination of an appropriate site. After assessing a number of potential sites, it was determined that a location adjacent to the water storage tank located on Chrisman Road north of Eleventh Street would best suit the needs of the mobile training tower. This site is undeveloped and requires additional work and funding in preparation of receiving the mobile training tower. The City of Tracy estimates the cost of site development to be \$450,000 excluding land cost. The apportioned land is a section of land which is part of a larger site, previously identified as a probable site of a larger regional fire training facility.

At the January 8, 2019 Tracy Rural Fire Protection District board meeting the TRFPD board took action to approve funding in the amount of \$200,000 for infrastructure improvements of the training tower site.

Over the last 10 years, the numbers of fires and fire deaths have gradually declined and the number of EMS incidents have increased. Demanding EMS training has become a strength in the fire service. However, fewer fires equates to firefighters not receiving the same level of training for actual firefighting. To ensure our high standards for firefighting are met, it is essential we provide everyone with continued hands-on training to acquire or sharpen skills. It is essential that we assign the same high standard of continuing education we place on EMS training to firefighting as well.

The most often cited causal factors in the National Firefighter Near-Miss Reporting System are situational awareness and decision-making. In the live-fire training environment, both of these skills are crucial to the success of firefighting operations. The mobile training tower will allow firefighters the ability to view the phases of fire and its development; the physical changes of a solid fuel brought about by increased heating; the build-up of combustible gases; and the rapid expansion and subsequent ignition of fire gases as they roll across the ceiling. Additionally, the tower will provide training props for ventilation, ladders, and exterior stairwells. Fire department instructors can observe all department members' individual skill levels, operating in stressful situations, employing firefighting tactics.

Through the use of this facility, department members will acquire measureable strategies on how to work more competently as a team, ultimately resulting in higher levels of efficiency and service delivery to the community. Refining operational approaches and techniques ultimately leads to professional and efficient service delivery. Training and development of all personnel in the same mode will offer improved practices for handling emergencies and increase our ability to manage occurrences of risk.

In addition to training being a critical element to any organizations success, it increases employee morale, enhances efficiency, supports risk management, and enhances the organization's image. Live fire training scenarios are an essential element of any comprehensive fire department training program. Training in the same environment in which we work may not guarantee firefighter safety, but it certainly improves the odds in our favor. Live-fire training is not an option, it is mandatory.

### STRATEGIC PLAN

This agenda item is consistent with Goal 3, Objective 3 of our Strategic Priorities to Enhance Citywide Disaster Preparedness through updating and expanding existing public training facilities.

FISCAL IMPACT

Staff is requesting a new CIP with a not to exceed amount of \$450,000; \$200,000 in funding received from Tracy Rural Fire District; \$250,000 in appropriations from reserves in fund 605. There are sufficient funds for this request.

RECOMMENDATION

Approve a new Capital Improvement Project (CIP) for a Fire Department Training Tower Site for a Not to Exceed amount of \$450,000; approve funding from Tracy Rural Fire District for their share of the costs; and appropriate \$250,000 from reserves from the Internal Services-Equipment (6050 for site improvements at NEI Reservoir.

Prepared by: Patrick Vargas, Fire Division Chief

Reviewed by: David A. Bramell, Interim Fire Chief  
Karin Schnaider, Finance Director  
Randall Bradley, Fire Chief

Approved by: Midori Lichtwardt, Assistant City Manager

ATTACHMENTS

1. Infrastructure cost estimate
2. Fire infrastructure proposed site plan



## FIRE TRAINING TOWER AT NEI RESERVOIR CIP 71109

Tracy, California

## Statement of Probable Construction Cost

October 1, 2018

| ITEM                                 | DESCRIPTION                                     | QTY    | UNIT | UNIT COST    | TOTAL        |
|--------------------------------------|-------------------------------------------------|--------|------|--------------|--------------|
| <b>A. PROJECT SITE DETERMINATION</b> |                                                 |        |      |              |              |
| 1.                                   | Geotechnical                                    | 1      | LS   | Allow        | \$ 20,000.00 |
| <b>B. PROJECT START UP</b>           |                                                 |        |      |              |              |
| 1.                                   | Mobilization (not exceed 2% of base bid amount) | 1      | LS   | Allow        | \$ 5,634.06  |
| 2.                                   | Construction Chainlink Fence                    | 875    | LF   | \$ 8.00      | \$ 7,000.00  |
| 3.                                   | Traffic Control                                 | 1      | LS   | Allow        | \$ 1,500.00  |
| 4.                                   | Survey and Staking                              | 1      | LS   | Allow        | \$ 3,500.00  |
| <b>C. EARTHWORK</b>                  |                                                 |        |      |              |              |
| 1.                                   | Clear and Grub                                  | 44,000 | SF   | \$ 0.05      | \$ 2,200.00  |
| 2.                                   | Earthwork / Rough Grading                       |        |      |              |              |
| a.                                   | Earthwork per Site Grading Plans                | 3,000  | CY   | \$ 1.70      | \$ 5,100.00  |
| b.                                   | Volume Fill per Site Grading Plans              | 600    | CY   | \$ 4.00      | \$ 2,400.00  |
| c.                                   | Overexcavation                                  | 1,000  | CY   | \$ 5.00      | \$ 5,000.00  |
| <b>D. EROSION CONTROL</b>            |                                                 |        |      |              |              |
| 1.                                   | Erosion Control / SWPPP                         | 1      | LS   | Allow        | \$ 5,000.00  |
| <b>E. HARDSCAPE / FLATWORK</b>       |                                                 |        |      |              |              |
| 1.                                   | Tower Pad                                       | 100    | ton  | \$ 100.00    | \$ 10,000.00 |
| 2.                                   | Pedestrian Walkway around Tower                 | 950    | SF   | \$ 7.00      | \$ 6,650.00  |
| 3.                                   | Trench Drains                                   | 220    | LF   | \$ 35.00     | \$ 7,700.00  |
| 4.                                   | 6" Vertical Concrete Curb and Gutter            | 200    | LF   | \$ 15.00     | \$ 3,000.00  |
| 5.                                   | 6" Vertical Concrete Curb                       | 1,165  | LF   | \$ 15.00     | \$ 17,475.00 |
| 6.                                   | Pavement Reinforcement Fabric                   | 2,882  | SY   | \$ 1.00      | \$ 2,882.00  |
| 7.                                   | 3/4" Class 2 AB Permeable                       | 370    | CY   | \$ 95.00     | \$ 35,150.00 |
| 8.                                   | 3/4" Class 2 AB                                 | 271    | CY   | \$ 100.00    | \$ 27,100.00 |
| <b>F. METAL COMPONENTS</b>           |                                                 |        |      |              |              |
| 1.                                   | 8' Enclosure Fence                              | 721    | LF   | \$ 25.00     | \$ 18,025.00 |
| 2.                                   | Vehicle Gate                                    | 1      | LS   | \$ 4,500.00  | \$ 4,500.00  |
| <b>G. DRAINAGE</b>                   |                                                 |        |      |              |              |
| 1.                                   | 6" ductile iron pipe                            | 192    | LF   | \$ 150.00    | \$ 28,800.00 |
| 2.                                   | 3" perforated pipe                              | 150    | LF   | \$ 150.00    | \$ 22,500.00 |
| <b>H. IRRIGATION</b>                 |                                                 |        |      |              |              |
| 3.                                   | Irrigation system                               | 2,778  | SF   | \$ 1.50      | \$ 4,167.00  |
| 4.                                   | Water service and meter/ backflow & Flow meter  | 1      | LS   | \$ 20,000.00 | \$ 20,000.00 |
| 4.                                   | Controller Assembly                             | 1      | LS   | \$ 10,000.00 | \$ 10,000.00 |
| <b>I. LANDSCAPE</b>                  |                                                 |        |      |              |              |
| 1.                                   | Soil Preparation / Fine Grading                 | 13,790 | SF   | \$ 0.30      | \$ 4,137.00  |
| 2.                                   | Peagravel                                       | 185    | CY   | \$ 80.00     | \$ 14,800.00 |
| 3.                                   | Rock / pond side slope protection               | 112    | CY   | \$ 80.00     | \$ 8,960.00  |
| 4.                                   | Bio-Filtration Sod                              | 2,778  | SF   | \$ 1.00      | \$ 2,778.00  |
| <b>J. MAINTENANCE</b>                |                                                 |        |      |              |              |
| 1.                                   | 90 - Day Maintenance                            | 13,790 | SF   | \$ 0.10      | \$ 1,379.00  |

|                        |                      |
|------------------------|----------------------|
| <b>SUBTOTAL</b>        | <b>\$ 307,337.06</b> |
| <b>15% CONTINGENCY</b> | <b>\$ 46,100.56</b>  |
| <b>TOTAL</b>           | <b>\$ 353,437.62</b> |

**BID ALTERNATES**

|                        |             |   |    |       |                     |
|------------------------|-------------|---|----|-------|---------------------|
| 1.                     | Hydrant Run | 1 | LS | Allow | \$ 55,000.00        |
| <b>15% CONTINGENCY</b> |             |   |    |       | <b>\$ 8,250.00</b>  |
| <b>TOTAL</b>           |             |   |    |       | <b>\$ 63,250.00</b> |

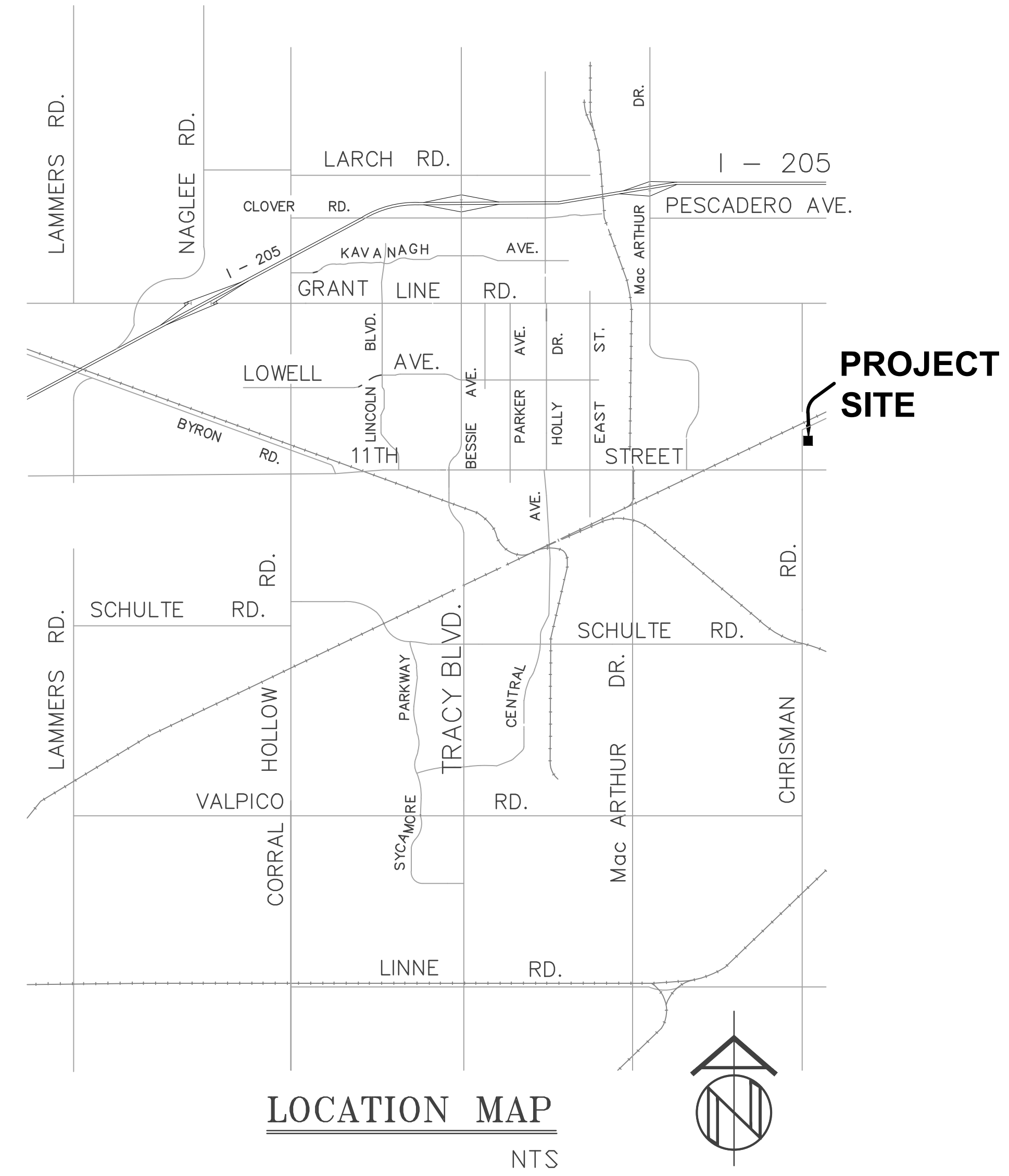
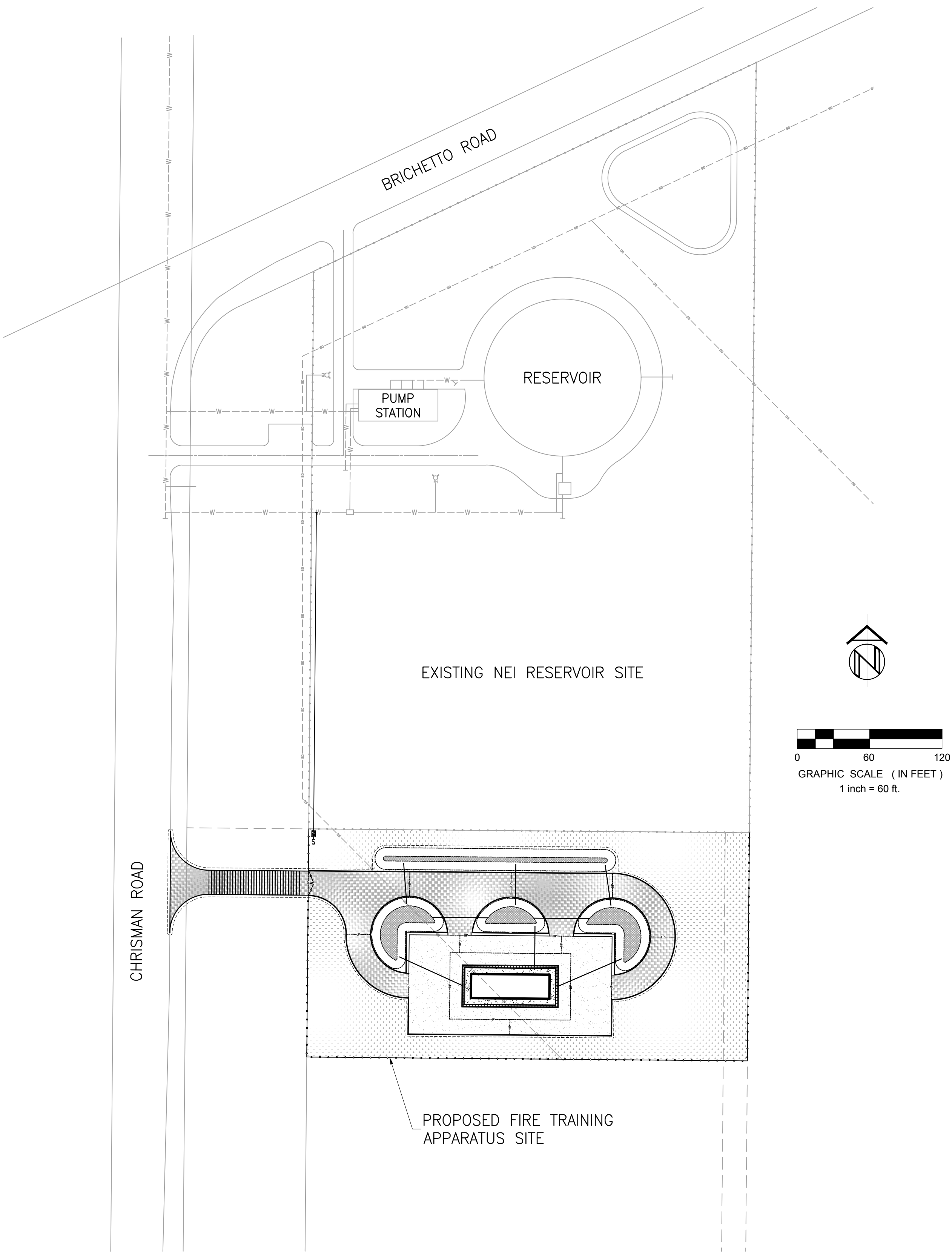
Total Cost of the project including all alternate bid items \$ 416,687.62

THE ABOVE ESTIMATE DOES NOT INCLUDE PROFESSIONAL FEES FOR DESIGN SERVICES. ENGINEERING HAS PREPARED THIS ESTIMATE OF PROBABLE CONSTRUCTION COSTS ON THE BASIS OF ITS BEST PROFESSIONAL JUDGMENT AND EXPERIENCE WITH THE CONSTRUCTION INDUSTRY. THE ESTIMATE IS PRELIMINARY AND DOES NOT REPRESENT A PROJECT THAT HAS BEEN REVIEWED BY INTERNAL NOR EXTERNAL FORCES FOR PERMITTING. ADDITIONAL ITEMS MAY BE REQUESTED DURING THE PERMITTING PROCESS THAT WILL AFFECT THE ELEMENTS OF DESIGN WHICH WILL IMPACT THE BUDGET OF THE PROJECT.

# CITY OF TRACY SAN JOAQUIN COUNTY, CALIFORNIA

ATTACHMENT 2

## FIRE TRAINING APPARATUS AT NEI RESERVOIR 1399 S. CHRISMAN ROAD, TRACY CA 95304, C.I.P. No.71109



### SHEET INDEX

| NO.     | DESCRIPTION                          |
|---------|--------------------------------------|
| SH 1    | COVER SHEET                          |
| SH 2    | GENERAL NOTES, ABBREVIATIONS, LEGEND |
| SH 3    | SITE PLAN                            |
| SH 4    | DETAILS                              |
| SH 5    | DETAILS                              |
| SH 6    | DETAILS                              |
| SH LI 1 | LANDSCAPE SITE PLAN                  |
| SH LI 2 | LANDSCAPE DETAILS                    |
| SH LI 3 | LANDSCAPE DETAILS                    |

20% PLANSET  
NOT FOR CONSTRUCTION

CITY OF TRACY

APPROVED FOR CONSTRUCTION  
ROBERT ARNOLD  
DATE: \_\_\_\_\_

COVER SHEET

| SYMBOL | DATE | REVISIONS | DESCRIPTION | APPROVED |
|--------|------|-----------|-------------|----------|
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|        |      |           |             |          |

DESIGNED BY:  
MAB

DRAWN BY:  
RDO

CHECKED BY:  
MAB

SCALE:  
1" = 60'

FIRE TRAINING APPARATUS  
AT NEI RESERVOIR  
1399 S. CHRISMAN ROAD, TRACY, CA 95304  
C.I.P. No. 71109

SHEET  
1  
OF 9 SHEETS



STANDARD GENERAL NOTES

1. THE CONTRACTOR AGREES THAT, IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD OWNER AND ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXEMPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF ENGINEER.
2. EXCAVATIONS SHALL BE ADEQUATELY SHORED, BRACED AND SHEETED SO THAT THE EARTH WILL NOT SLIDE OR SETTLE AND ALL EXISTING IMPROVEMENTS OF ANY KIND WILL BE FULLY PROTECTED FROM DAMAGE. ANY DAMAGE RESULTING FROM A LACK OF ADEQUATE SHORING, BRACING AND SHEETING, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND HE SHALL EFFECT NECESSARY REPAIRS OR RECONSTRUCTION AT HIS OWN EXPENSE. WHERE THE EXCAVATION FOR A CONDUIT TRENCH, AND/OR STRUCTURE IS FIVE FEET OR MORE IN DEPTH, THE CONTRACTOR SHALL PROVIDE ADEQUATE SHEETING, SHORING AND BRACING OR EQUIVALENT METHOD, FOR THE PROTECTION OF LIFE, OR LIMB, WHICH SHALL CONFORM TO THE APPLICABLE CONSTRUCTION SAFETY ORDERS OF THE DIVISION OF INDUSTRIAL SAFETY OF THE STATE OF CALIFORNIA, THE CONTRACTOR SHALL ALWAYS COMPLY WITH OSHA REQUIREMENTS.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN PERMITS NECESSARY TO PERFORM THE WORK SHOWN IN THESE PLANS FROM THE APPROPRIATE AGENCIES.
4. THE CONTRACTOR SHALL TAKE EFFECTIVE ACTION TO PREVENT THE FORMATION OF AN AIRBORNE DUST NUISANCE AND SHALL BE RESPONSIBLE FOR ANY DAMAGE RESULTING FROM HIS FAILURE TO DO SO. THE CONTRACTOR SHALL COMPLY WITH THE CITY'S DUST CONTROL ORDINANCE AT ALL TIMES AND AT HIS/HER OWN EXPENSE.
5. THE CONTRACTOR SHALL NOT CLOSE OR DETOUR ANY TRAFFIC IN ANY MANNER UNLESS NOTED OTHERWISE IN PROJECT SPECIFICATIONS. ANY PROPOSAL FOR CLOSURE OF A CITY STREET SHALL BE SUBMITTED TO ENGINEER FOR APPROVAL IN WRITING. PROVIDE FOR INGRESS AND EGRESS FOR PRIVATE PROPERTY ADJACENT TO WORK THROUGHOUT THE PERIOD OF CONSTRUCTION.
6. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGN, BARRICADES, FLAGGERS OR OTHER DEVICES NECESSARY TO PROVIDE FOR SAFETY.
7. THE CONTRACTOR SHALL POST EMERGENCY TELEPHONE NUMBERS FOR POLICE, FIRE, AMBULANCE, AND THOSE AGENCIES RESPONSIBLE FOR MAINTENANCE OF UTILITIES IN THE VICINITY OF JOB SITE.
8. ANY EXTRA CONSTRUCTION STAKING NECESSITATED SOLELY BY THE CONTRACTOR'S NEGLIGENCE WILL BE CHARGED TO THE CONTRACTOR ON A TIME AND EXPENSES BASIS AND PAID FOR BY THE CONTRACTOR. ANY EXTRA CONSTRUCTION STAKING NECESSITATED SOLELY BY THE CONTRACTOR'S NEGLIGENCE WILL BE CHARGED TO THE CONTRACTOR ON A TIME AND EXPENSES BASIS AND PAID FOR BY THE CONTRACTOR.
9. STATIONING HEREON IS ALONG STREET CENTERLINE UNLESS OTHERWISE SHOWN OR INDICATED.
10. ALL RETURN RADII AND CURB DATA ARE TO FACE OF CURB.
11. ALL QUANTITIES AND PAY ITEMS ARE AND WILL BE BASED ON HORIZONTAL MEASUREMENTS.
12. LENGTHS OF SANITARY SEWERS AND STORM DRAINS ARE HORIZONTAL DISTANCES FROM CENTER TO CENTER OF STRUCTURES, ROUNDED OFF THE NEAREST FOOT.
13. ALL EXISTING UTILITIES AND IMPROVEMENTS THAT BECOME DAMAGED DURING CONSTRUCTION SHALL BE COMPLETELY RESTORED TO THE SATISFACTION OF THE LOCAL AGENCY ENGINEER, AT THE CONTRACTOR'S SOLE EXPENSE.
14. ANY RELOCATION OF PUBLIC UTILITIES SHALL BE CONDUCTED IN ACCORDANCE WITH ANY AND ALL REQUIREMENTS OF THE UTILITY COMPANY INCLUDING FEES, BONDS, PERMITS AND WORKING CONDITIONS, ETC. THIS WORK SHALL BE DONE AT NO EXPENSE TO THE UTILITY COMPANY. THE OWNER SHALL PAY THE COST OF ALL SUCH RELOCATION WORK INCLUDING FEES, BONDS, PERMITS, ETC.
15. IF ARCHEOLOGICAL MATERIALS ARE UNCOVERED DURING GRADING, TRENCHING OR OTHER EXCAVATION, EARTHWORK WITHIN 100 FEET OF THESE MATERIALS SHALL BE STOPPED UNTIL A PROFESSIONAL ARCHEOLOGIST (SCA) AND/OR THE SOCIETY OF PROFESSIONAL ARCHAEOLOGY (SOPA) HAS HAD AN OPPORTUNITY TO EVALUATE THE SIGNIFICANCE OF THE FIND AND SUGGEST APPROPRIATE MITIGATION MEASURES, IF THEY ARE DEEMED NECESSARY.
16. THE CITY OF TRACY DOES NOT SPECIFY NOR RECOMMEND THE USE OR INSTALLATION OF ANY MATERIAL OR EQUIPMENT WHICH IS MADE FROM, OR WHICH CONTAINS ASBESTOS FOR USE IN THE CONSTRUCTION OF THESE IMPROVEMENTS. ANY PARTY INSTALLING OR USING SUCH MATERIALS OR EQUIPMENT SHALL BE SOLELY RESPONSIBLE FOR ALL INJURIES, DAMAGES, OR LIABILITIES OF ANY KIND, CAUSED BY THE USE OF SUCH MATERIALS OR EQUIPMENT. THE PROVISIONS OF THIS NOTE SHALL APPLY UNLESS THEY ARE EXPRESSLY WAIVED IN WRITING BY THE CITY OF TRACY.
17. THE CONTRACTOR SHALL MEET AND FOLLOW ALL NPDES REQUIREMENTS IN EFFECT AT THE TIME OF CONSTRUCTION.
18. SHOULD IT APPEAR THAT THE WORK TO BE DONE OR ANY MATTER RELATIVE THERETO IS NOT SUFFICIENTLY DETAILED OR EXPLAINED ON THESE PLANS, THE CONTRACTOR SHALL CONTACT THE CITY OF TRACY AT (209) 831-4600 FOR SUCH FURTHER EXPLANATIONS AS MAY BE NECESSARY.
19. THE CONTRACTOR SHALL LOCATE AND PRESERVE ALL FACILITIES INCLUDING SEWER, WATER, GAS, IRRIGATION, POWER, STREET LIGHTS, TELEPHONE AND OTHERS WHICH MAY BE IN THE AREA OF CONSTRUCTION.
20. IT IS INTENDED THAT THESE PLANS REQUIRE ALL LABOR AND MATERIALS NECESSARY FOR COMPLETION OF THE WORK IN ACCORDANCE WITH THEIR TRUE INTENT AND PURPOSE. THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER IMMEDIATELY REGARDING ANY DISCREPANCIES OR AMBIGUITIES WHICH MAY EXIST IN THE PLANS OR SPECIFICATIONS. THE ENGINEER'S INTERPRETATION OR CORRECTION THEREOF SHALL BE FINAL AND CONCLUSIVE. WHERE THE PLANS OR SPECIFICATIONS DESCRIBE PORTIONS OF THE WORK IN GENERAL TERMS, BUT NOT IN COMPLETE DETAILS, IT IS UNDERSTOOD THAT ONLY THE BEST GENERAL PRACTICE SHALL PREVAIL AND ONLY MATERIALS AND WORKMANSHIP OF FIRST QUALITY SHALL BE USED.

PROJECT NOTES:

1. AGENCY: CITY OF TRACY  
333 CIVIC CENTER PLAZA  
TRACY, CA. 95376  
PHONE: (209) 831-6400
2. ALL WORK SHALL CONFORM TO THE CITY OF TRACY STANDARD PLANS, STANDARD SPECIFICATIONS, DESIGN STANDARDS AND THE SPECIAL PROVISIONS. THE IMPROVEMENTS ARE SUBJECT TO THE INSPECTION AND APPROVAL OF THE CITY ENGINEER. CONTACT DEVELOPMENT AND ENGINEERING SERVICES AT 831-4460 TWO WORKING DAYS (48 HOURS) PRIOR TO THE START OF ANY WORK TO ARRANGE FOR INSPECTION.
3. ALL REVISIONS TO THIS PLAN MUST BE REVIEWED BY THE DEVELOPMENT AND ENGINEERING SERVICES DEPARTMENT PRIOR TO CONSTRUCTION AND SHALL BE ACCURATELY SHOWN ON REVISED PLANS STAMPED AND SIGNED BY CITY STAFF PRIOR TO THE INSTALLATION OF THE IMPROVEMENTS.
4. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO IMMEDIATELY NOTIFY THE ENGINEER UPON DISCOVERY OF ANY FIELD CONFLICTS.
5. ANY DEVIATIONS OR CHANGES IN THESE PLANS WITHOUT OFFICIAL APPROVAL OF THE ENGINEER SHALL ABSOLVE THE ENGINEER OF ANY AND ALL RESPONSIBILITY OF SAID DEVIATION OR CHANGE.
6. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY FIELD CHANGES MADE WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SURVEYING AND CONSTRUCTION STAKING. ALL CONSTRUCTION STAKING FOR CURB, GUTTER, SIDEWALK AND STORM DRAINS, ETC. SHALL BE DONE BY A REGISTERED CIVIL ENGINEER OR LICENSED LAND SURVEYOR.
8. THE CONTRACTOR SHALL NOT DESTROY ANY PERMANENT SURVEY POINTS WITHOUT THE CONSENT OF THE CITY ENGINEER. ANY PERMANENT MONUMENTS OR POINTS DESTROYED SHALL BE REPLACED BY A LICENSED CIVIL ENGINEER AUTHORIZED TO DO SURVEYING OR A LICENSED LAND SURVEYOR AT THE CONTRACTOR'S EXPENSE AND MUST BE RECORDED WITH THE COUNTY OF SAN JOAQUIN RECORDER OFFICE BEFORE ACCEPTANCE OF IMPROVEMENTS BY THE CITY OF TRACY.
9. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF PREPARATION OF THESE PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT THESE UTILITIES. THE CONTRACTOR SHALL NOT EXCAVATE UNTIL ALL UTILITY AGENCIES AND THE CITY OF TRACY HAVE BEEN NOTIFIED AND HAVE BEEN GIVEN THE OPPORTUNITY TO MARK THEIR FACILITIES IN THE FIELD. THE CONTRACTOR SHALL CALL U.S.A. (800) 642-2444 AND THE CITY OF TRACY (209) 831-4420 AT LEAST 48 HOURS IN ADVANCE BEFORE THE START OF CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THOSE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ADDITIONAL COSTS INCURRED AS A RESULT OF CONTRACTOR'S FAILURE TO VERIFY LOCATIONS OF EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED AND MERGED IN THE CONTRACT UNIT PRICE.
10. PRIOR TO TRENCHING FOR ANY UTILITY PIPE, THE CONTRACTOR SHALL VERIFY, IN THE FIELD, THE SIZE AND LOCATION OF THE EXISTING PIPE AT THE POINT OF CONNECTION. ANY DEVIATION FROM THE PLANS SHALL BE RESOLVED BY THE ENGINEER PRIOR TO TRENCHING. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF FIELD VERIFICATION. CITY OF TRACY AND ASSOCIATES SHALL BE ALLOWED REASONABLE TIME FOR CONFLICT RESOLUTION.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE NECESSARY PUBLIC AND PRIVATE ENTITIES, WHO HAVE AN INTEREST IN THE CONSTRUCTION OF THESE IMPROVEMENTS AS IT IMPACTS THEM, IN A TIMELY MANNER TO ALLOW THEM TO SEND THE NECESSARY REPRESENTATIVES TO THE JOB SITE FOR INSPECTION AND OBSERVATION PURPOSES.
12. ALL CITY OF TRACY STANDARD PLAN NUMBERS REFERENCED ON THESE PLANS AND IN THE PROJECT SPECIFICATIONS SHALL BE IN ACCORDANCE WITH THE UPDATED STANDARD PLANS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THE UPDATED STANDARD PLANS FROM THE CITY.
13. TESTING SHALL BE REQUIRED FOR ASPHALT CONCRETE GRADATION, CONCRETE SLUMP, AND CONCRETE STRENGTH. TESTING SHALL BE PROVIDED BY AN INDEPENDENT LABORATORY HIRED BY THE CITY UNLESS NOTED OTHERWISE. ALL RE-TESTING SHALL BE PAID BY THE CONTRACTOR.

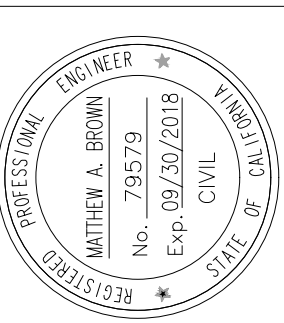
CONSTRUCTION NOTES

1. FOR HAUL ROUTE INFORMATION CALL THE CITY OF TRACY FOR THEIR REQUIREMENTS (209) 831-6400.
2. CONSTRUCTION OPERATIONS SHALL BE LIMITED TO WEEKDAYS (MONDAY THROUGH FRIDAY) 7:30 A.M. TO 4:30 P.M. UNLESS OTHERWISE AUTHORIZED BY THE CITY ENGINEER.
3. ALL CONSTRUCTION MATERIALS AND METHODS SHALL COMPLY WITH THE ORDINANCES, SPECIFICATIONS, AND STANDARDS OF THE CITY OF TRACY, EXCEPT AS NOTED BELOW FOR SPECIFIC UTILITIES.
4. ALL TRENCHES SHALL BE BACKFILLED OR COVERED WITH TRENCH PLATES IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND THE CITY STANDARDS AT THE END OF EACH DAY. COMPACTION SHALL BE ACHIEVED BY MECHANICAL MEANS. NO FLOODING, PONDING OR JETTING SHALL BE PERMITTED.
5. ALL TRENCH EXCAVATION OVER FIVE FEET IN DEPTH SHALL BE SHORED IN ACCORDANCE WITH CAL-OSHA "CONSTRUCTION SAFETY ORDERS" CURRENT EDITION. CONTRACTOR MUST HAVE VALID TRENCH SHORING PERMIT ISSUED BY CAL-OSHA.
6. CONTRACTOR SHALL REMOVE ALL WASTE MATERIALS FROM SITE RESULTING FROM CLEARING AND DEMOLITION OPERATIONS. ALL EXCESS MATERIAL SHALL BE DISPOSED OFF-SITE IN A SAFE AND LEGAL MANNER BY THE CONTRACTOR AT HIS OWN EXPENSE.
7. EXISTING CURB, GUTTER AND SIDEWALK DISPLACED DURING THE INSTALLATION OF NEW IMPROVEMENTS SHALL BE REMOVED AND REPLACED IN ACCORDANCE WITH APPLICABLE STD. PLAN NOS. 120, 124, 126, AND 132.
8. PORTLAND CEMENT CONCRETE PAVEMENT SHALL CONFORM TO THE MATERIAL REQUIREMENTS OF SECTION 90 CLASS B, AND PLACING REQUIREMENTS OF SECTION 40. TRANSVERSE WEAKENED PLANE JOINTS AND CONSTRUCTION JOINTS SHALL MATCH EXISTING JOINTS OR AS DIRECTED BY THE ENGINEER.
9. SEISMIC DESIGN CATEGORY D; TYPE OF CONSTRUCTION V-N  
CODE REFERENCES; CBC 2007, CDC 2007, CEC 2007 (ELECTRICAL) , CEC 2007 (ENERGY)

ABBREVIATIONS

|         |                           |        |                                    |
|---------|---------------------------|--------|------------------------------------|
| AB      | AGGREGATE BASE            | NTS    | NOT TO SCALE                       |
| AC      | ASPHALT CONCRETE          | OFF    | OFFSET                             |
| API/ANG | ANGLE POINT               | P      | PAVEMENT                           |
| BC      | BEGINNING OF CURVE        | PCC    | POINT OF COMPOUND CURVE            |
| BD      | BRASS DISC                | PG     | PROFILE GRADE                      |
| BM      | BENCH MARK                | PG&E   | PACIFIC GAS & ELECTRIC             |
| BO      | BLOW OFF                  | PP     | POWER POLE                         |
| BW      | BACK OF WALK              | PRC    | POINT OF REVERSE CURVE             |
| CB      | CATCH BASIN               | PUE    | PUBLIC UTILITY EASEMENT            |
| CL      | CENTER LINE               | PVC    | POLYVINYL CHLORIDE PIPE            |
| CO      | CLEAN OUT                 | PVI    | POINT OF VERTICAL INTERSECTION     |
| CONC    | CONCRETE                  | R      | RADIUS OR RIGHT                    |
| CTB     | CEMENT TREATED BASE       | RAC    | RUBBERIZED ASPHALT CONCRETE        |
| CY      | CUBIC YARD                | RE     | RIM ELEVATION                      |
| DWY     | DRIVEWAY                  | RHMA-G | RUBBERIZED HOT-MIX ASPHALT, TYPE G |
| DIA     | DIAMETER                  | R/W    | RIGHT OF WAY                       |
| DI      | DROP INLET                | RCP    | REINFORCED CONCRETE PIPE           |
| DIP     | DUCTILE IRON PIPE         | S      | SOUTH OR SLOPE                     |
| DWG     | DRAWING                   | SCL    | SAWCUT LINE                        |
| E       | EAST                      | SD     | STORM DRAIN                        |
| EC      | END OF CURVE              | SDMH   | STORM DRAIN MANHOLE                |
| ELEC    | ELECTRIC                  | SEC    | SECTION                            |
| ELEV    | ELEVATION                 | SF     | SQUARE FEET                        |
| EP      | EDGE OF PAVEMENT          | SHT    | SHEET                              |
| ESMT    | EASEMENT                  | SP     | CITY OF TRACY STANDARD PLAN        |
| EX.     | EXISTING                  | SS     | SANITARY SEWER                     |
| FC      | FACE OF CURB              | SSMH   | SANITARY SEWER MANHOLE             |
| FH      | FIRE HYDRANT              | ST     | STREET                             |
| FL      | FLOW LINE                 | STA    | STATION                            |
| GB      | GRADE BREAK               | STD    | STANDARD                           |
| GR      | GRATE                     | SY     | SQUARE YARD                        |
| HDPE-S  | HIGH DENSITY POLYETHYLENE | SW     | SIDEWALK                           |
| HP      | PIPE - SMOOTH INTERIOR    | TB     | TRAFFIC SIGNAL BOX                 |
| HMA     | HOT-MIX ASPHALT           | TC     | TOP OF CURB                        |
| INV     | INVERT                    | TCE    | TEMPORARY CONSTRUCTION EASEMENT    |
| IRR     | IRRIGATION                | TEL    | TELEPHONE                          |
| JT      | JOINT TRENCH              | TRANS  | TRANSFORMER                        |
| L       | LEFT OR LENGTH            | TYP    | TYPICAL                            |
| LAT     | LATERAL                   | UB     | UTILITY BOX                        |
| LG      | LIP OF GUTTER             | UE     | UNDERGROUND ELECTRICAL LINE        |
| LB      | POUND                     | UON    | UNLESS OTHERWISE NOTED             |
| LF      | LINEAL FEET               | UT     | UNDERGROUND TELEPHONE              |
| LTS     | LIME TREATED SUBGRADE     | VCP    | VITRIFIED CLAY PIPE                |
| MAX     | MAXIMUM                   | VG     | VALLEY GUTTER                      |
| MB      | MONUMENT BOX              | W      | WATER OR WEST                      |
| MH      | MANHOLE                   | WM     | WATER METER                        |
| MIN     | MINIMUM                   | WV     | WATER VALVE                        |
| N       | NORTH                     | WWF    | WELDED WIRE FABRIC                 |
|         |                           | YD     | YARD                               |

CITY OF TRACY



GENERAL NOTES

| SHEET | DATE | REVISED BY  |  | APPROVED |
|-------|------|-------------|--|----------|
|       |      | DESCRIPTION |  |          |
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|              |           |             |          |
|--------------|-----------|-------------|----------|
| DESIGNED BY: | DRAWN BY: | CHECKED BY: | SCALE:   |
| MAH          | RDD       | MAH         | 1" = 20' |

FIRE TRAINING APPARATUS  
AT NEI RESERVOIR  
1399 S. CHRISMAN ROAD , TRACY, CA 95304

C.I.P. No. 71109

SHEET

2

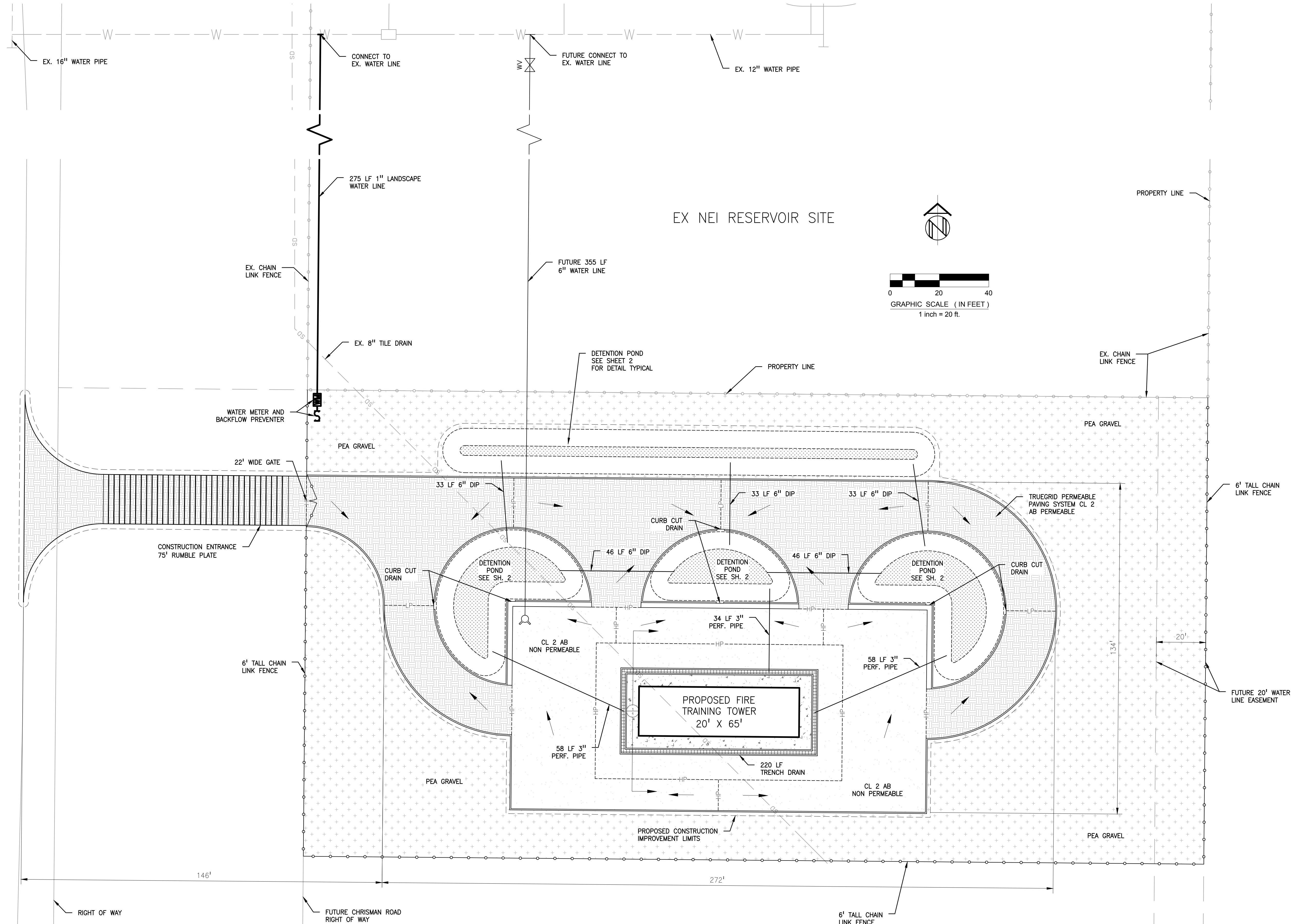
OF 9 SHEETS

20% PLANSET  
NOT FOR CONSTRUCTION



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CHRISMAN ROAD



AREA OF IMPROVEMENTS:  
TOTAL SQ FT=41,453  
TOTAL ACRES=0.95±

20% PLANSET  
NOT FOR CONSTRUCTION

CITY OF TRACY

APPROVED FOR CONSTRUCTION  
ROBERT ARNOLD  
DATE: \_\_\_\_\_

TRACY  
Think Inside the Triangle

REGISTERED PROFESSIONAL ENGINEER  
MATTHEW A. BROWN  
No. 79579  
Exp. 09/30/2018  
CIVIL  
STATE OF CALIF.

SITE PLAN

| SYMBOL | DATE | REVISIONS | DESCRIPTION | APPROVED |
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DESIGNED BY:  
MAB

DRAWN BY:  
RDO

CHECKED BY:  
MAB

SCALE:  
1" = 20'

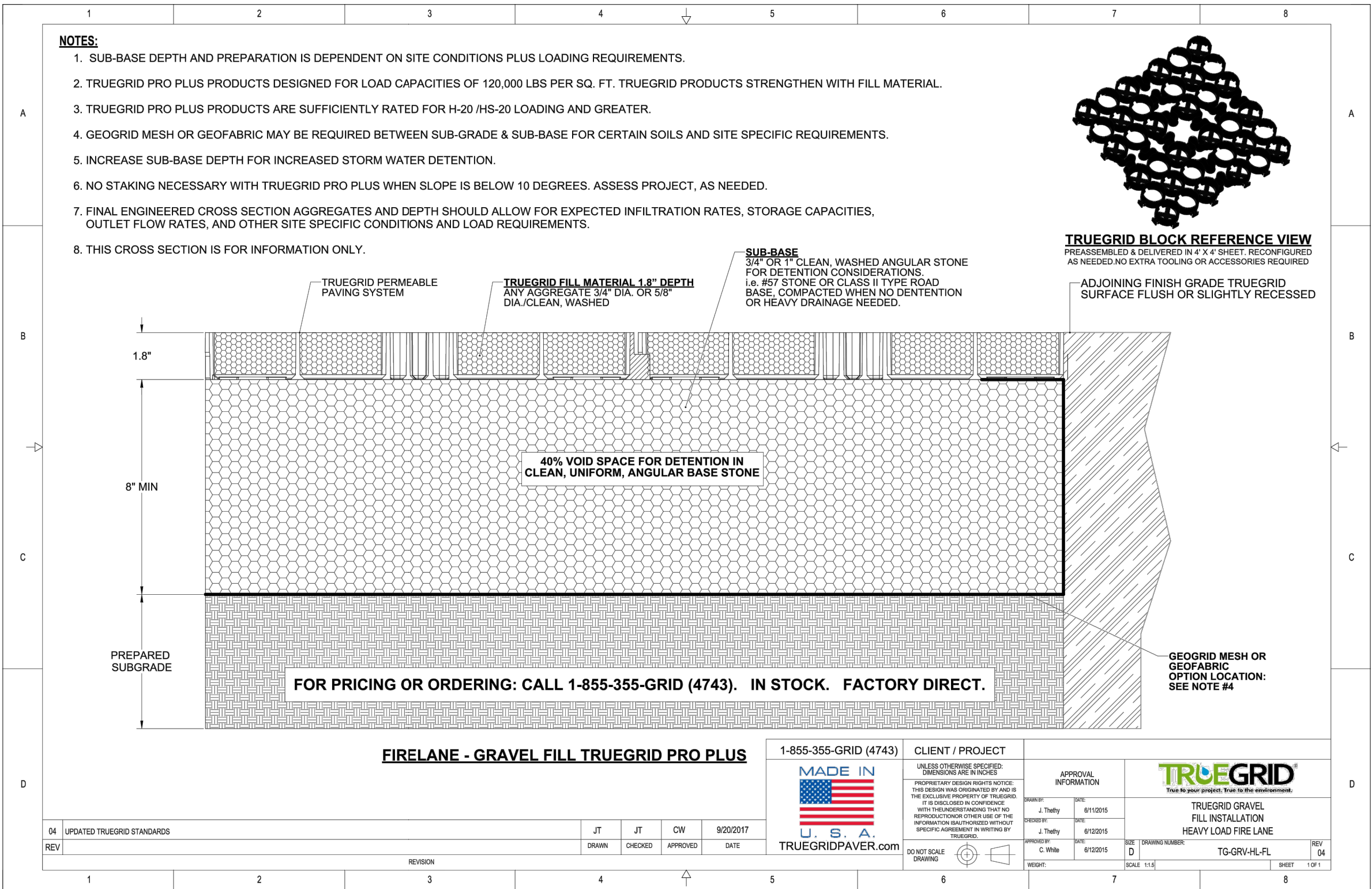
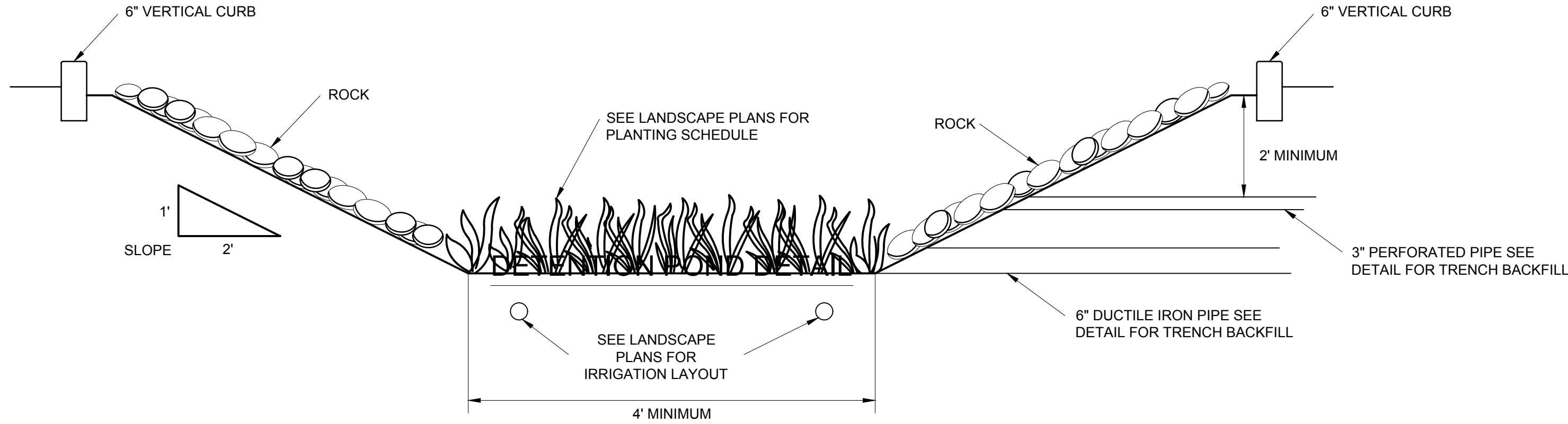
FIRE TRAINING APPARATUS  
AT NEI RESERVOIR  
1399 S. CHRISMAN ROAD, TRACY, CA 95304

C.I.P. No. 71109

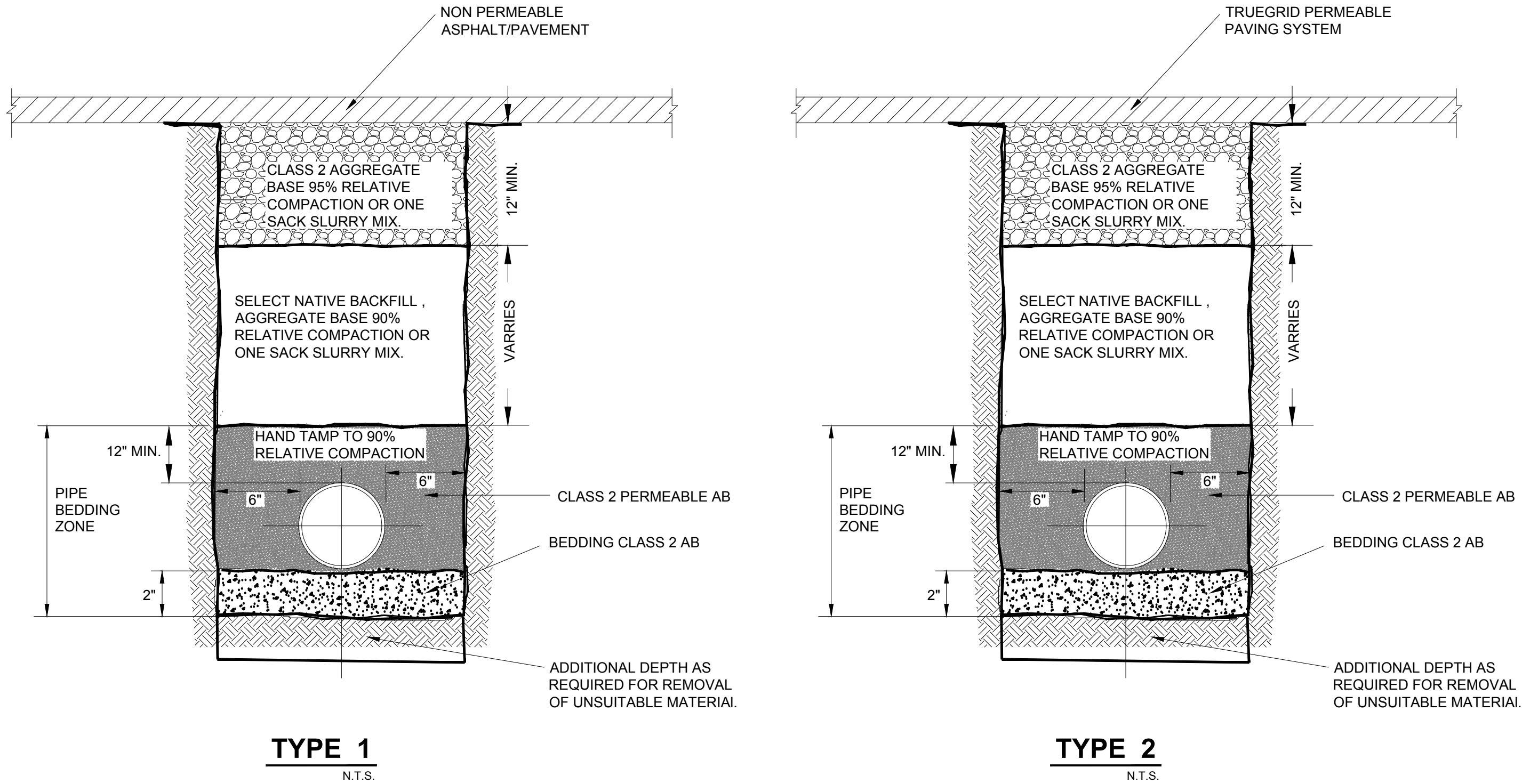
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OF 9 SHEETS



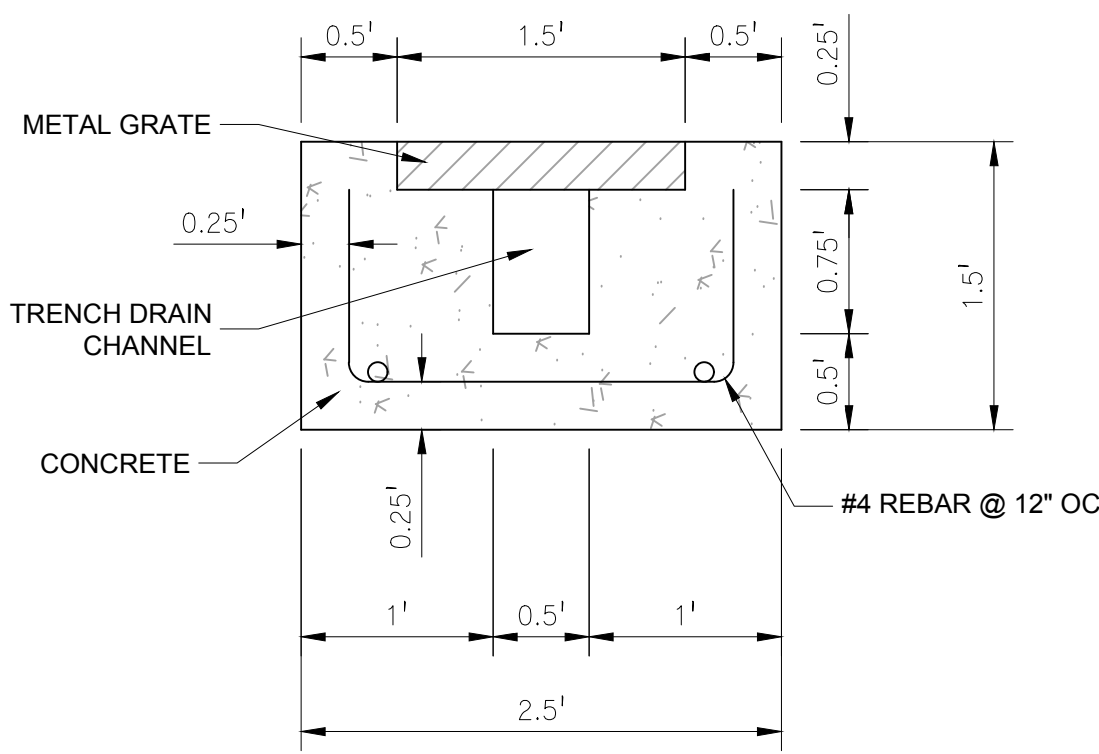


TRUEGRID PERMEABLE PAVING SYSTEM DETAIL

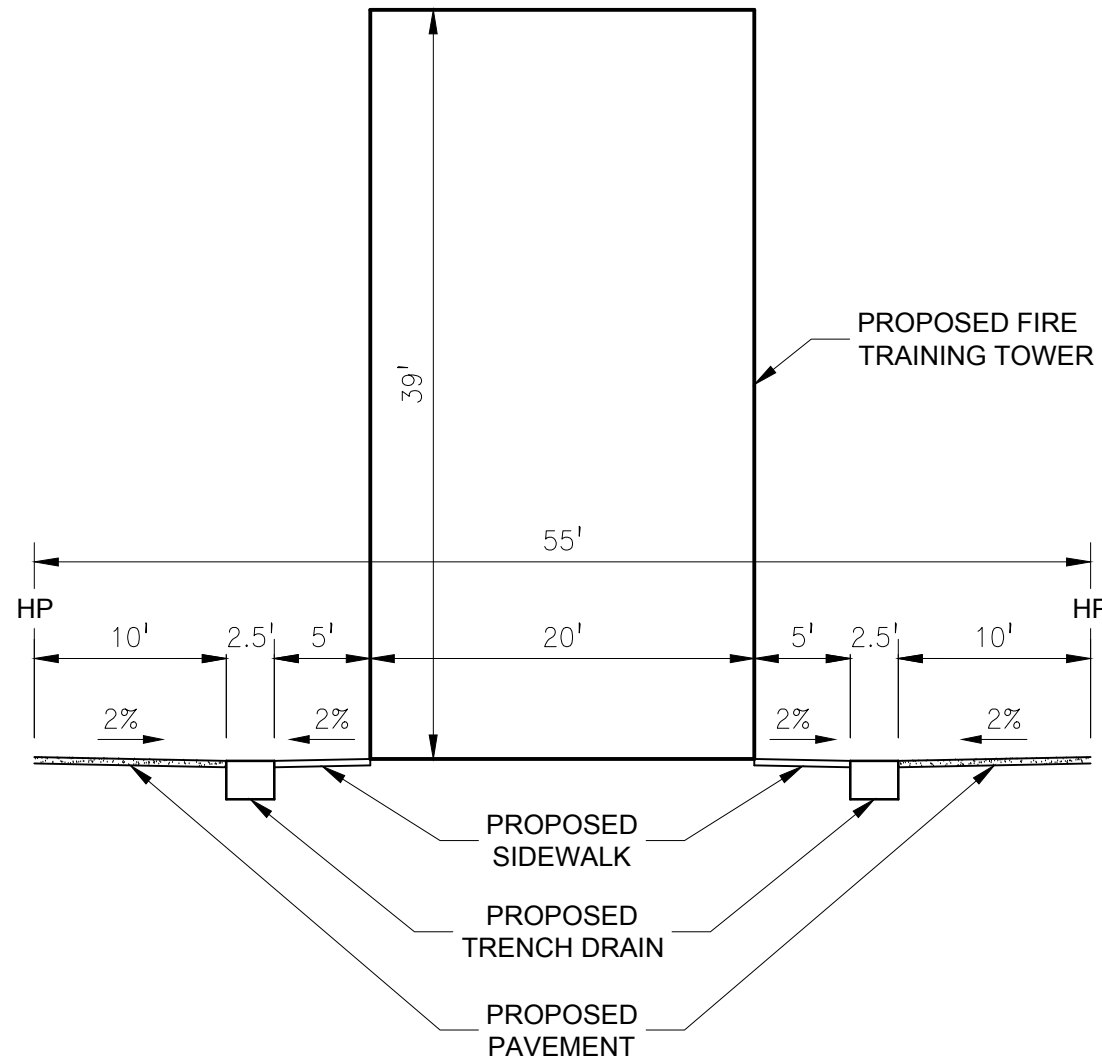


3" PERFORATED PIPE BACKFILL

6" DUCTILE IRON PIPE BACKFILL



TRENCH DRAIN DETAIL



FIRE TRAINING TOWER CROSS SECTION

20% PLANSET  
NOT FOR CONSTRUCTION

CITY OF TRACY

APPROVED FOR CONSTRUCTION

ROBERT ARNOLD

DATE:

TRACY

Think Inside the Triangle

REGISTERED PROFESSIONAL ENGINEER

MATTHEW A. BROWN

No. 79579

Exp. 09/30/2018

CIVIL

STATE OF CALIFORNIA

DETAILS

DESIGNED BY: MAB

DRAWN BY: RDD

CHECKED BY: MAB

SCALE: 1" = 20'

FIRE TRAINING APPARATUS AT NEI RESERVOIR

1399 S. CHRISTIAN ROAD, TRACY, CA 95304

C.I.P. No. 71109

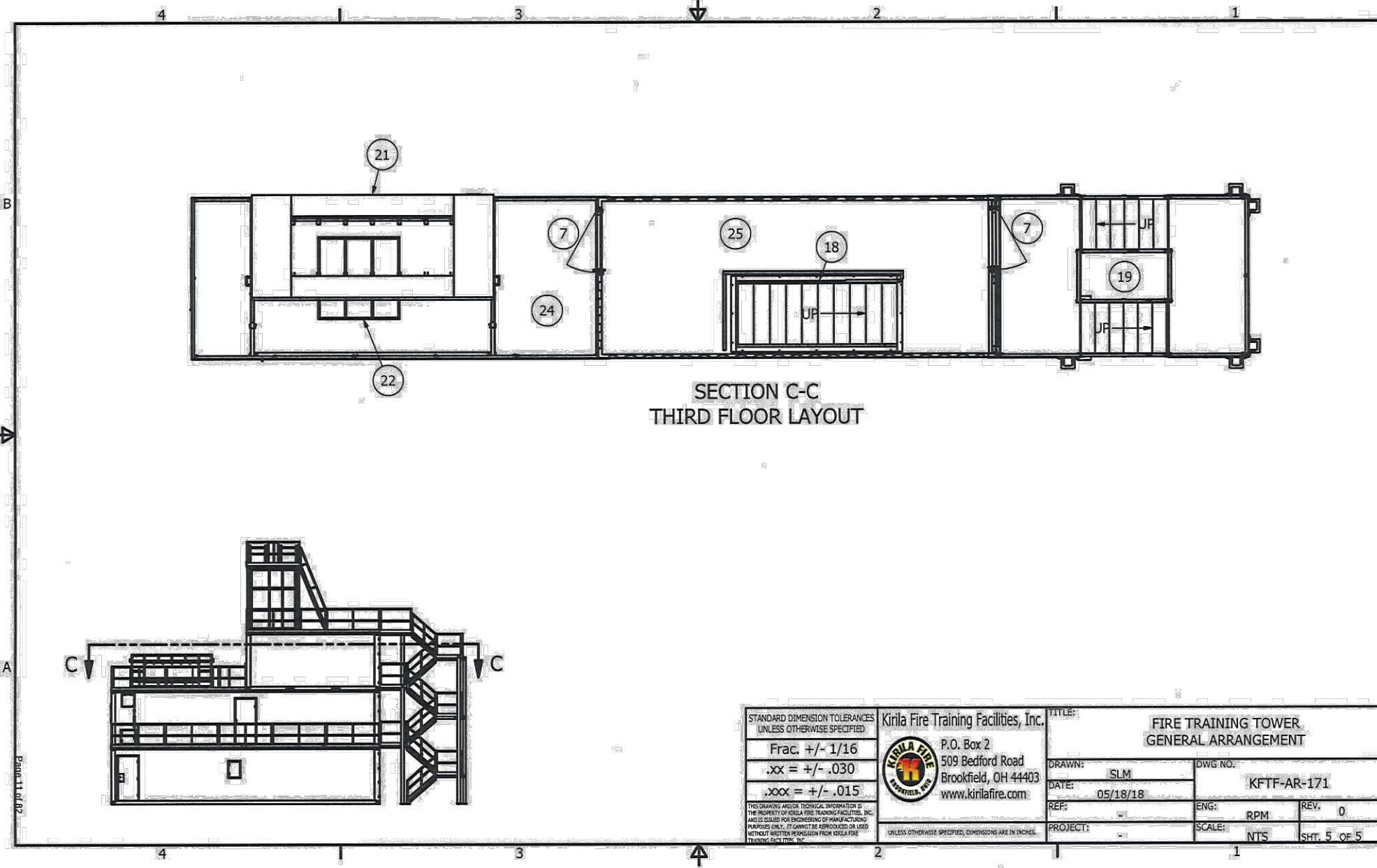
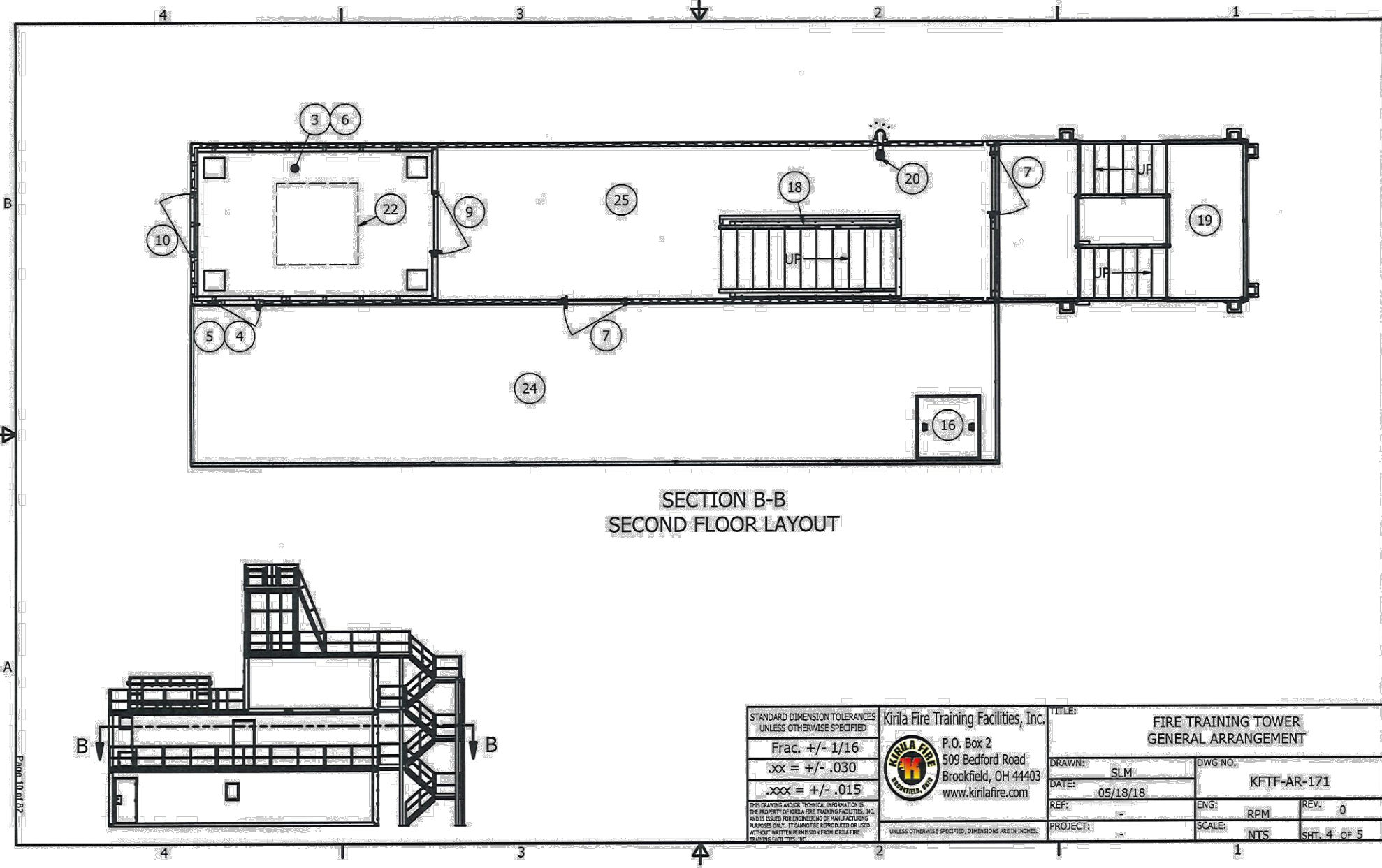
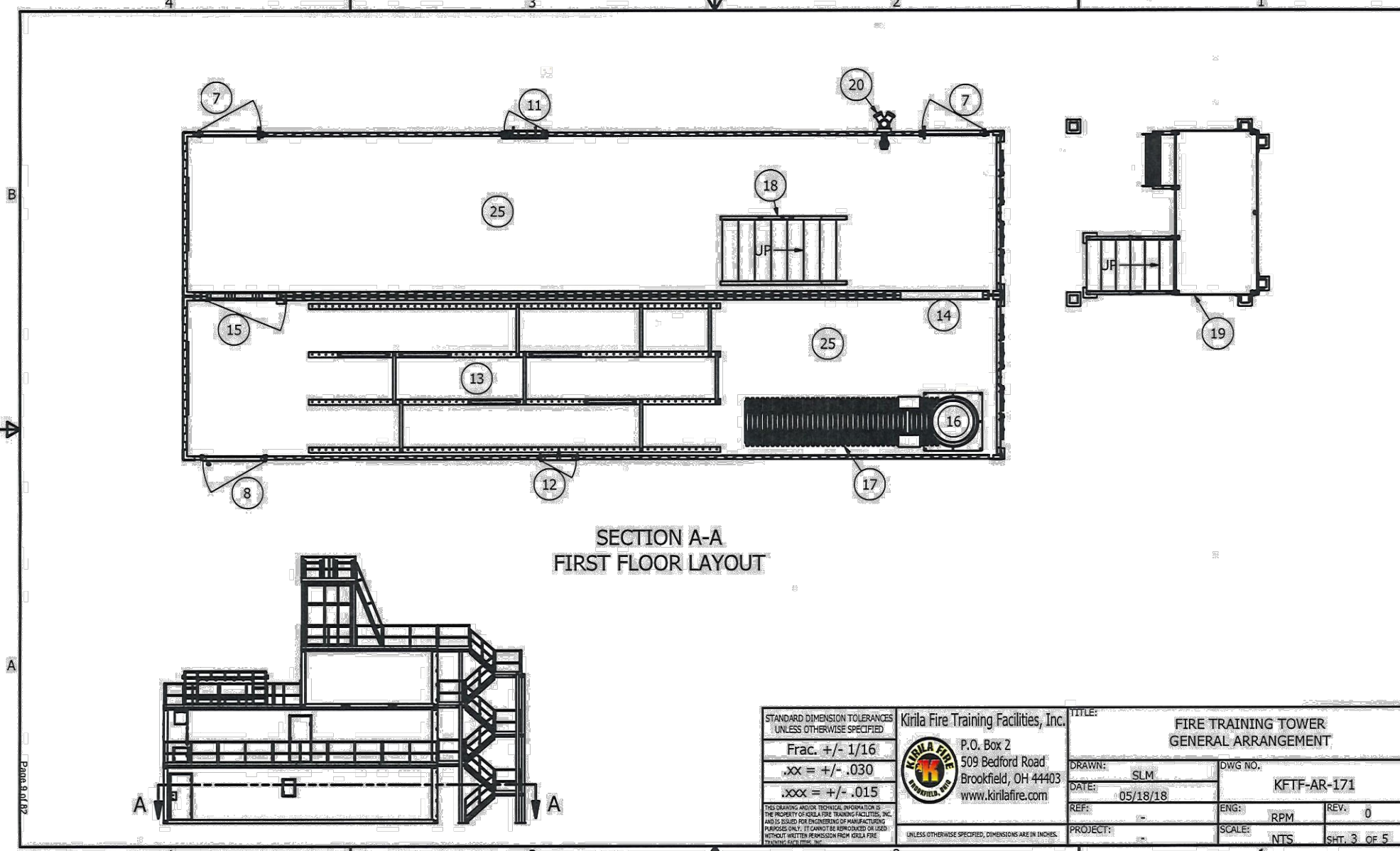
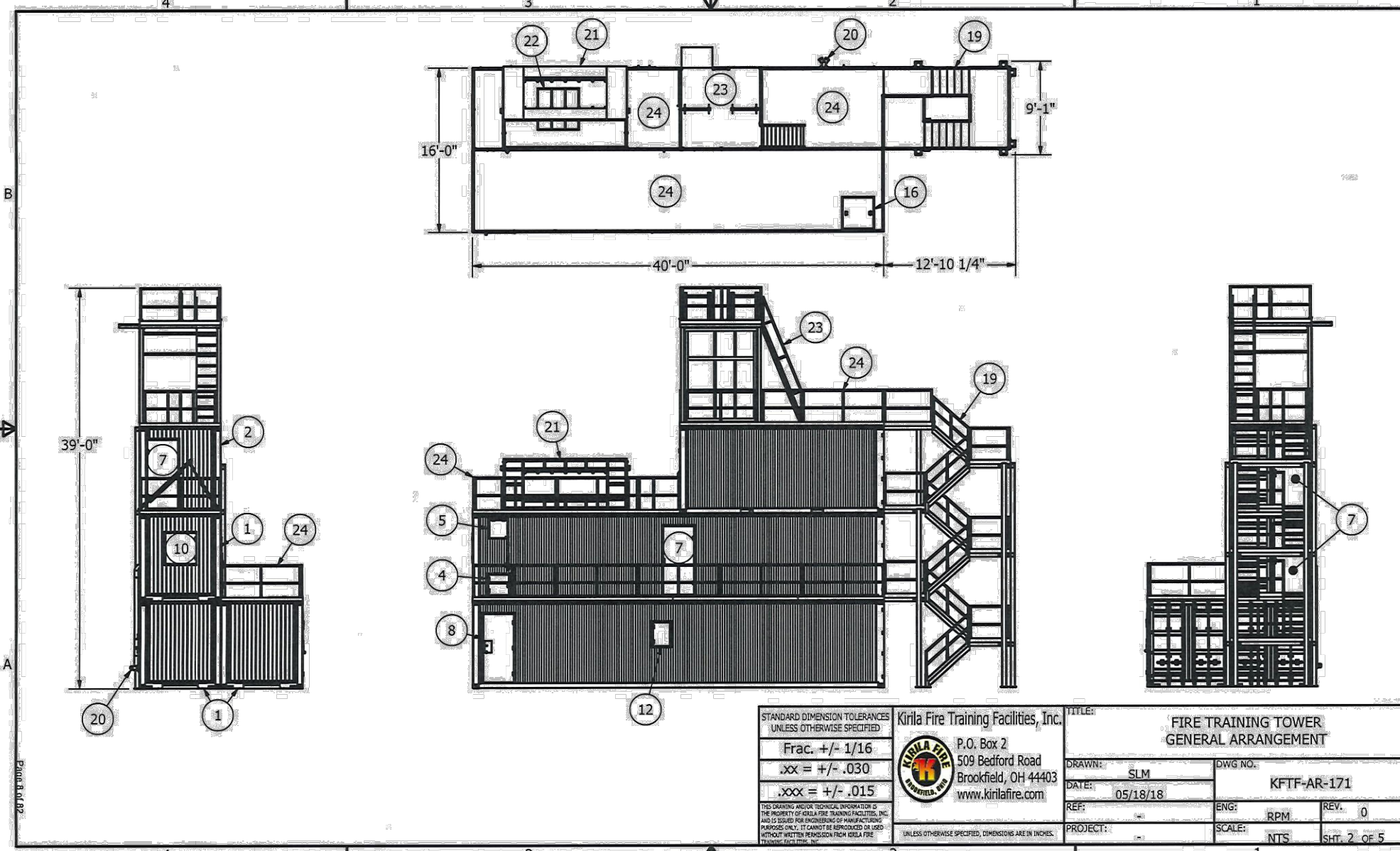
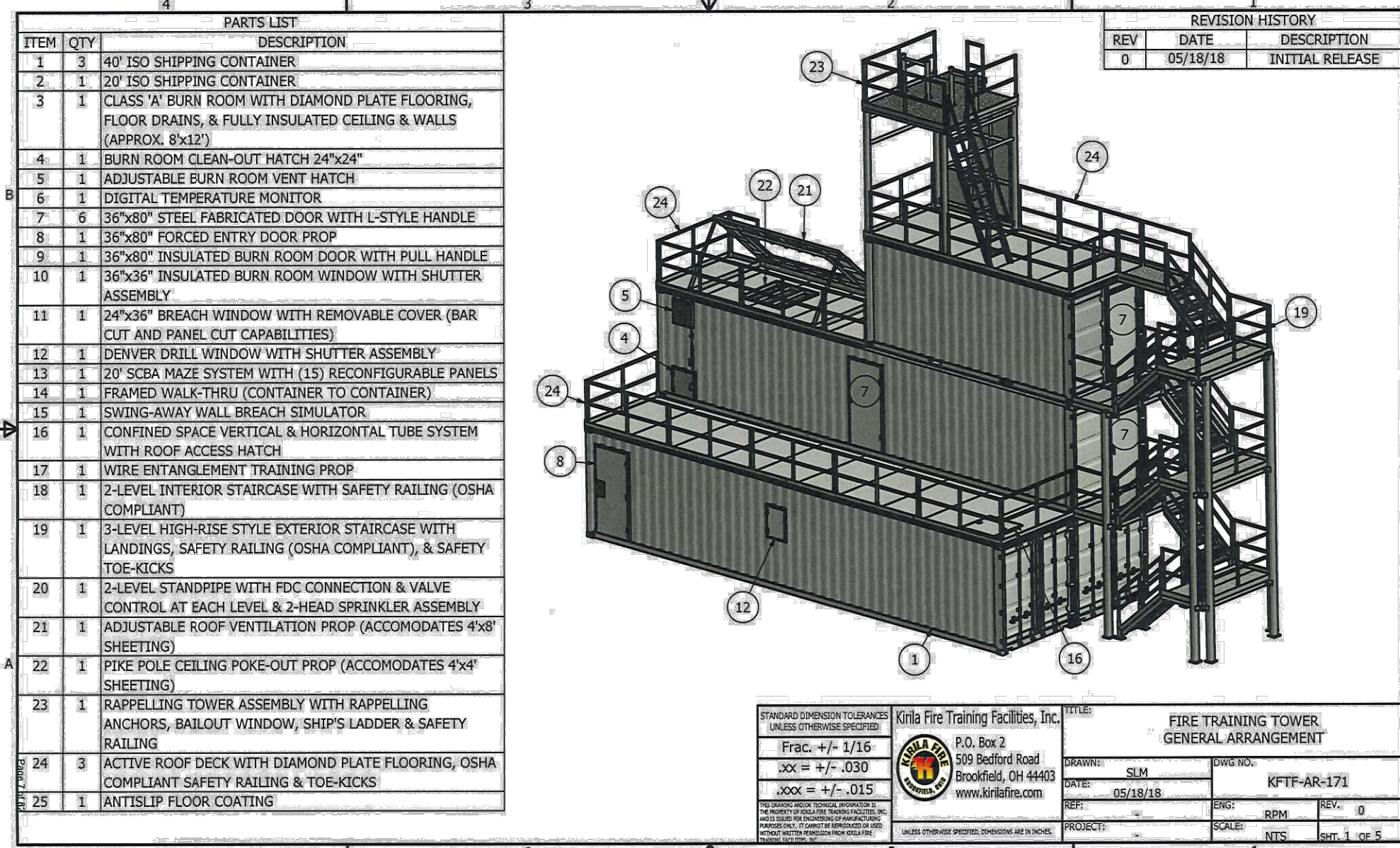
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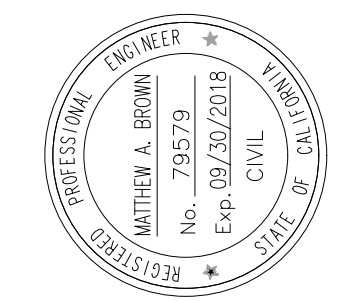
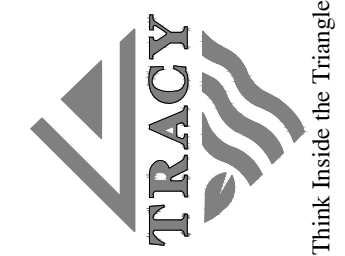
OF 9 SHEETS



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CITY OF TRACY



DETAILS

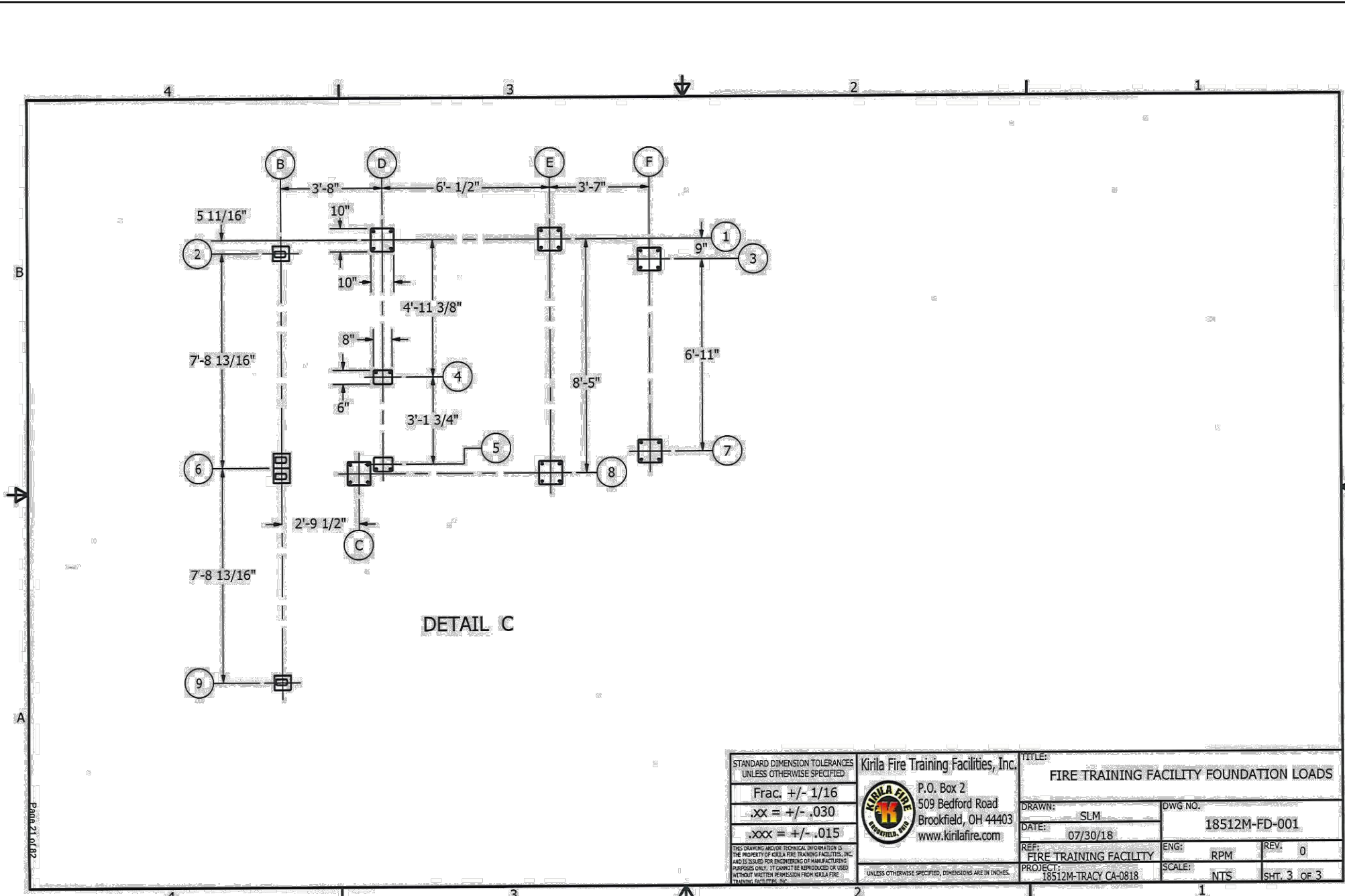
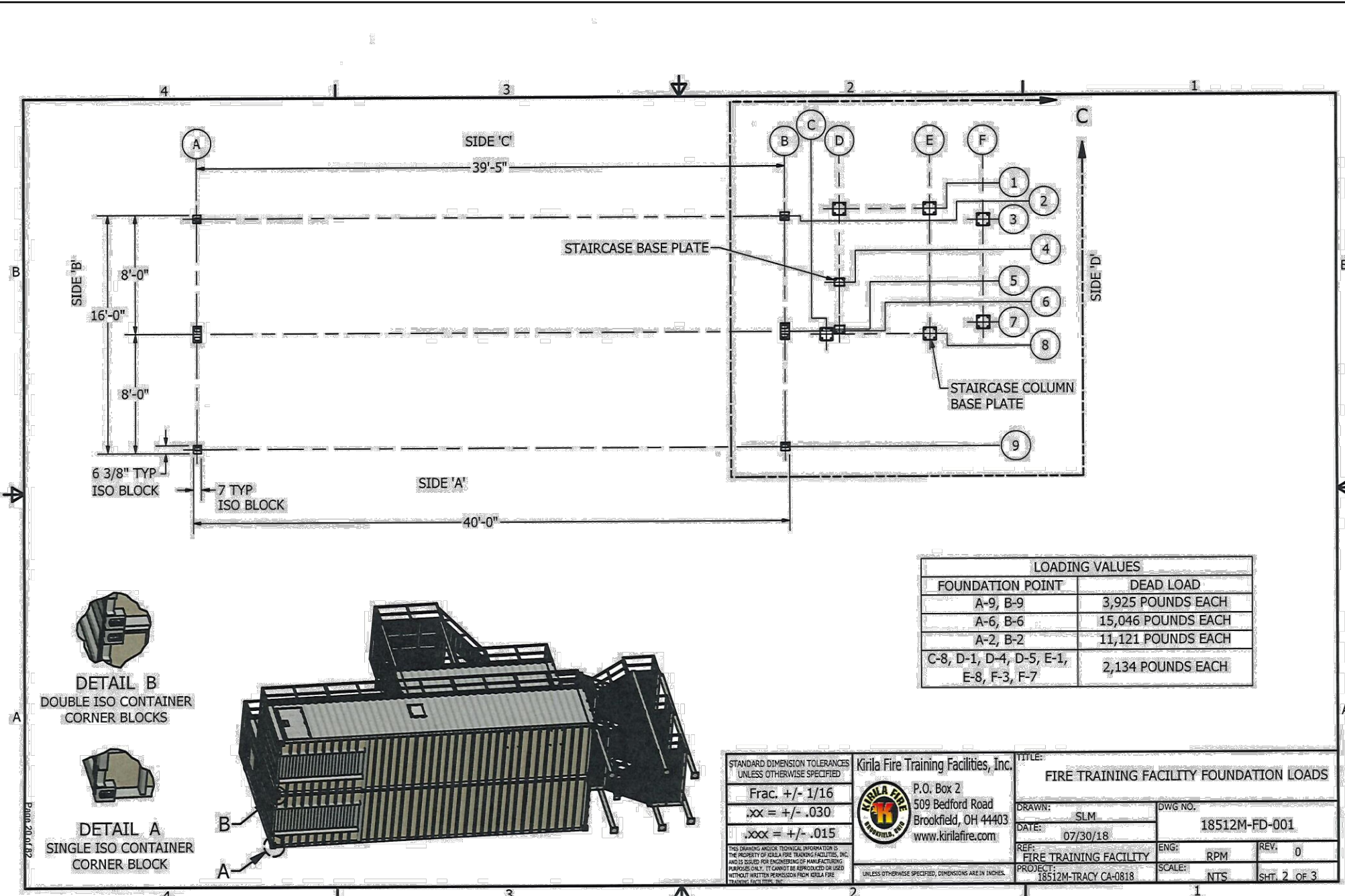
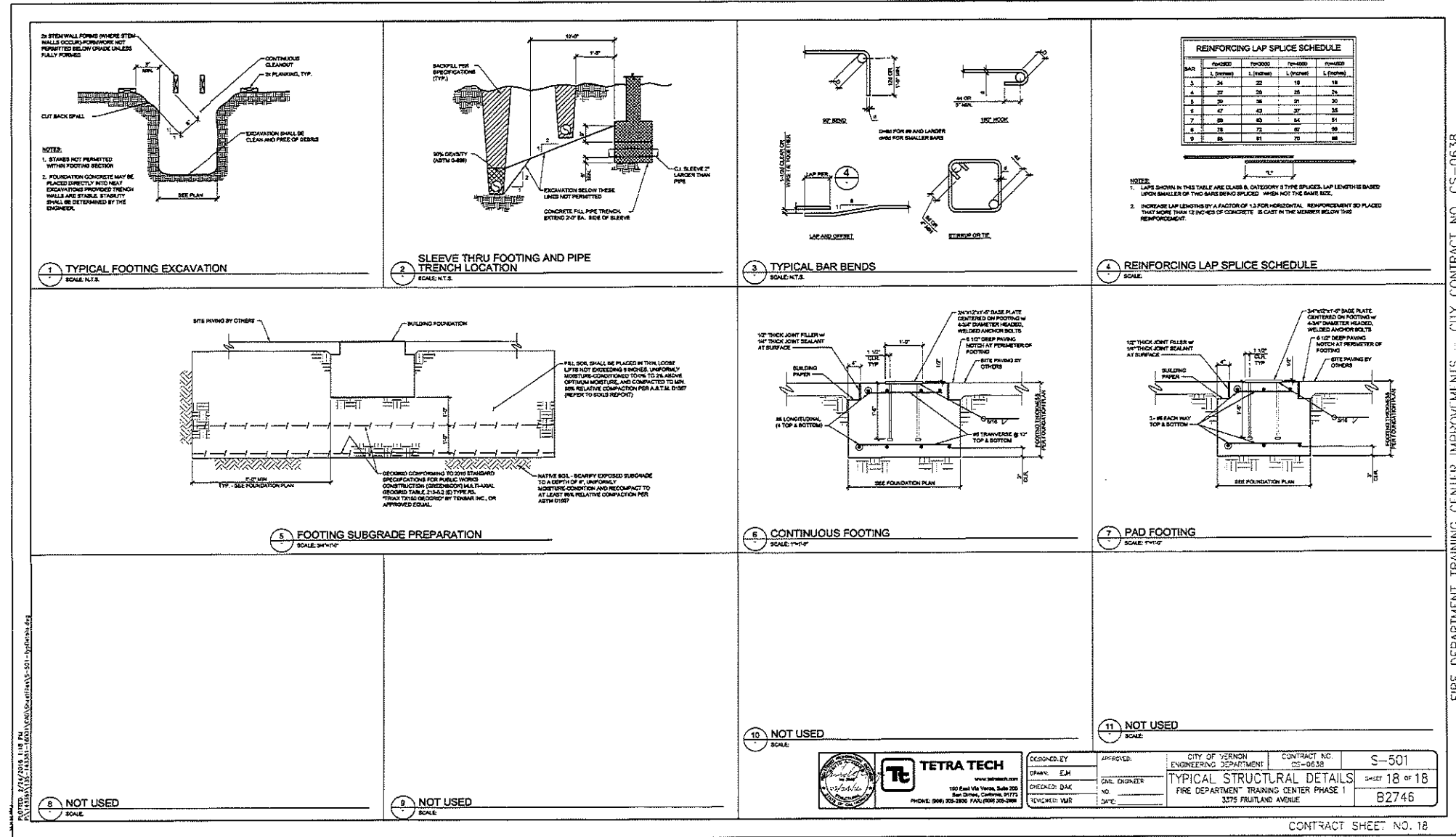
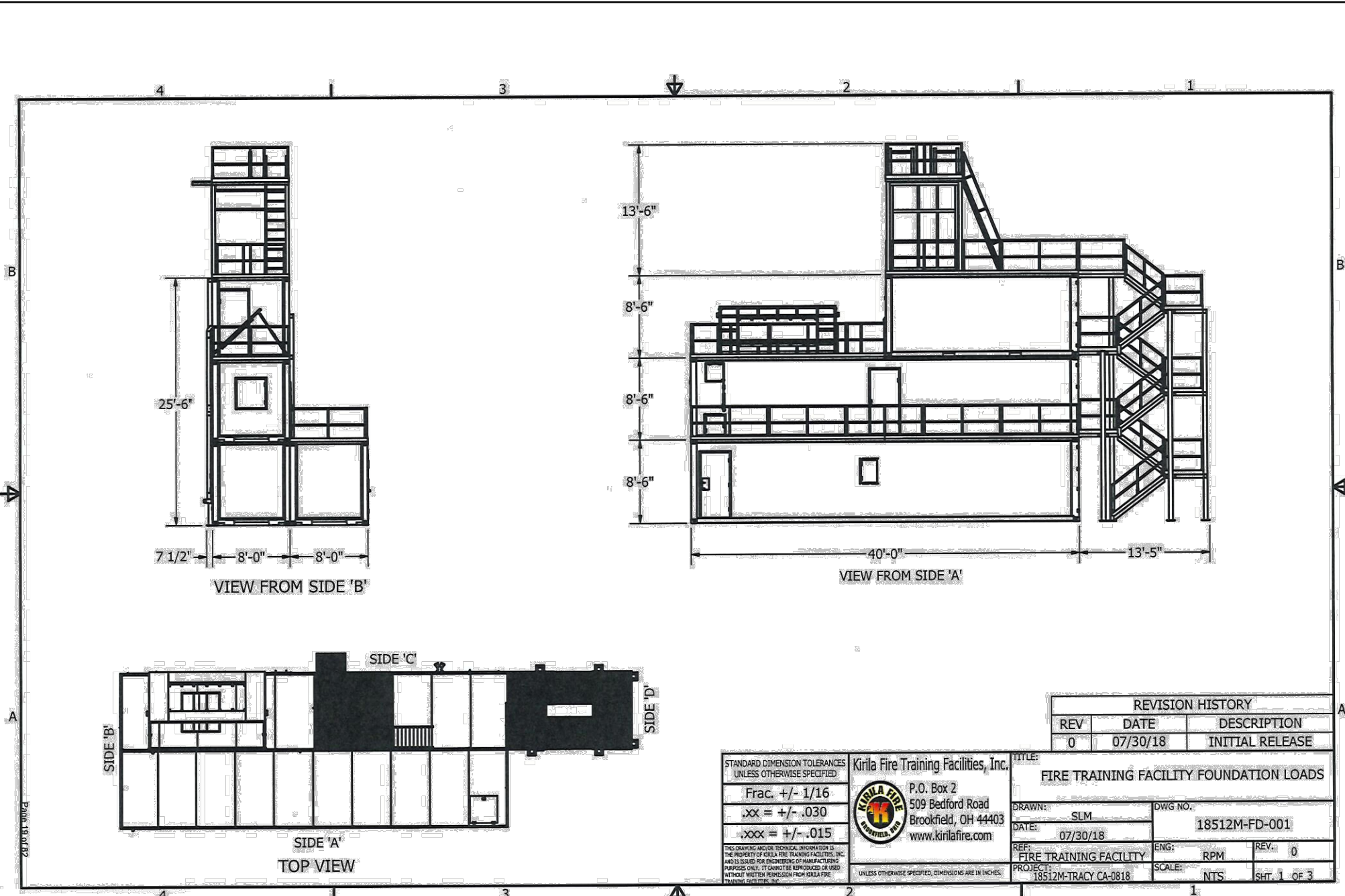
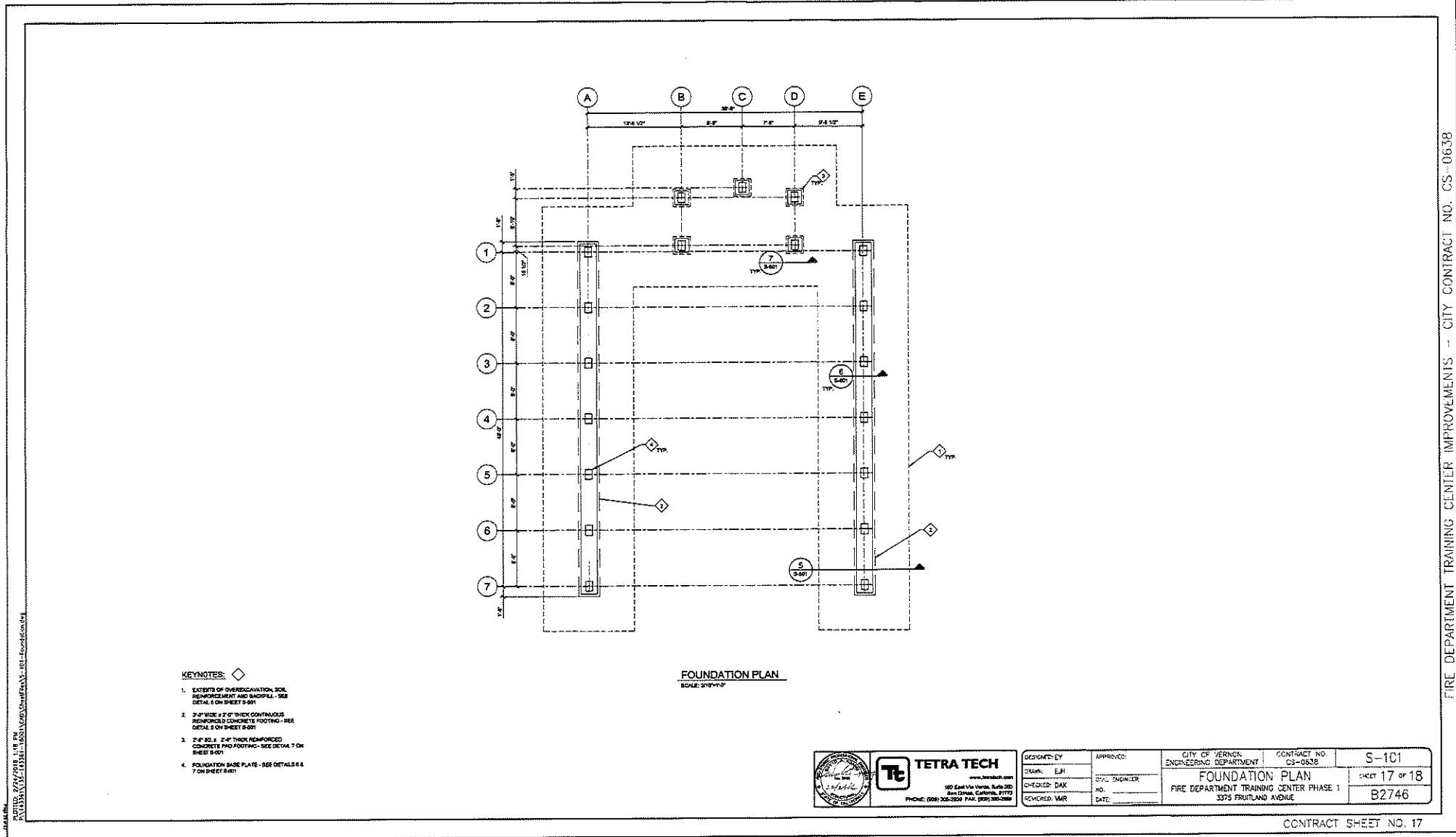
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| CHECKED BY:  | MAB      |
| SCALE:       | 1" = 20' |

FIRE TRAINING APPARATUS  
AT NEI RESERVOIR  
1399 S. CHRISTIAN ROAD, TRACY, CA 95304  
C.I.P. No. 71109

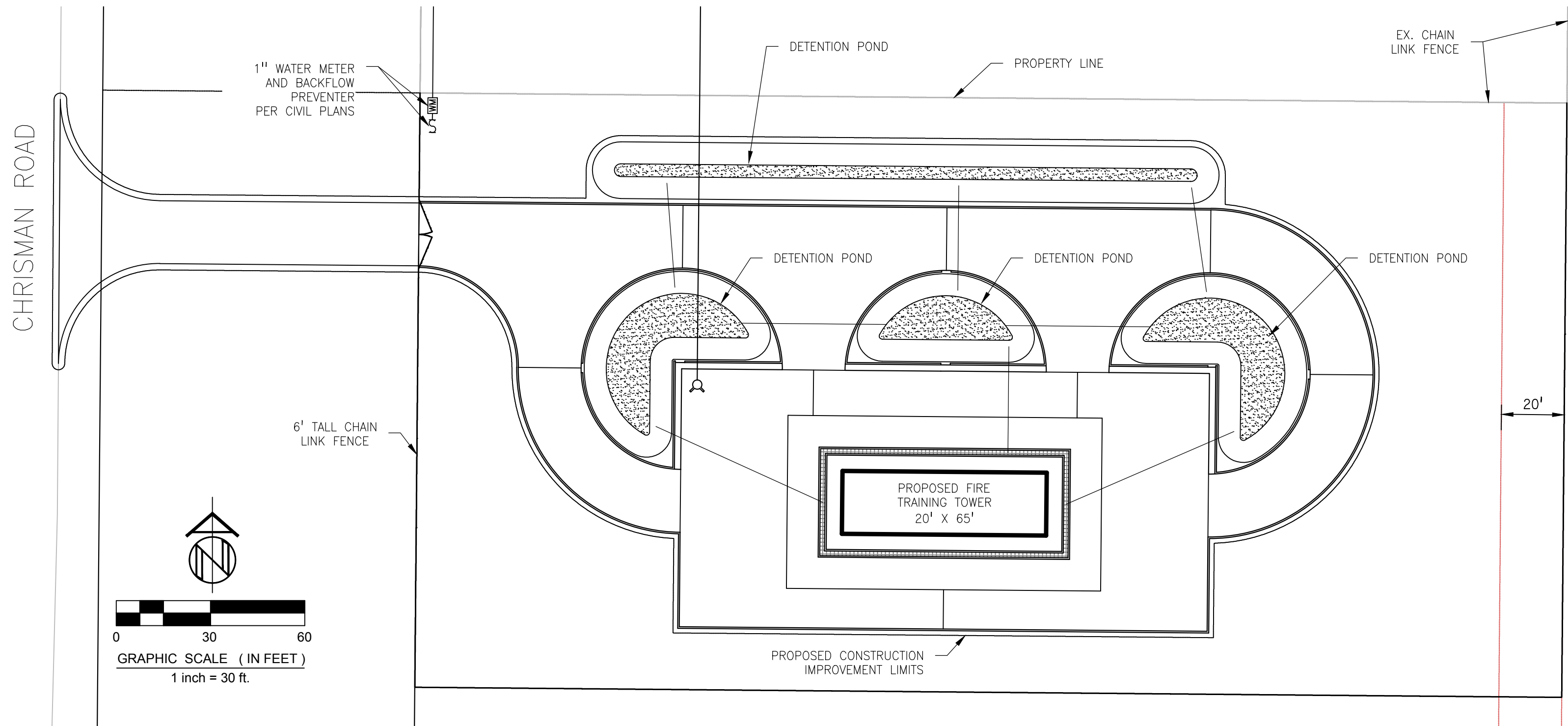
20% PLANSET  
NOT FOR CONSTRUCTION







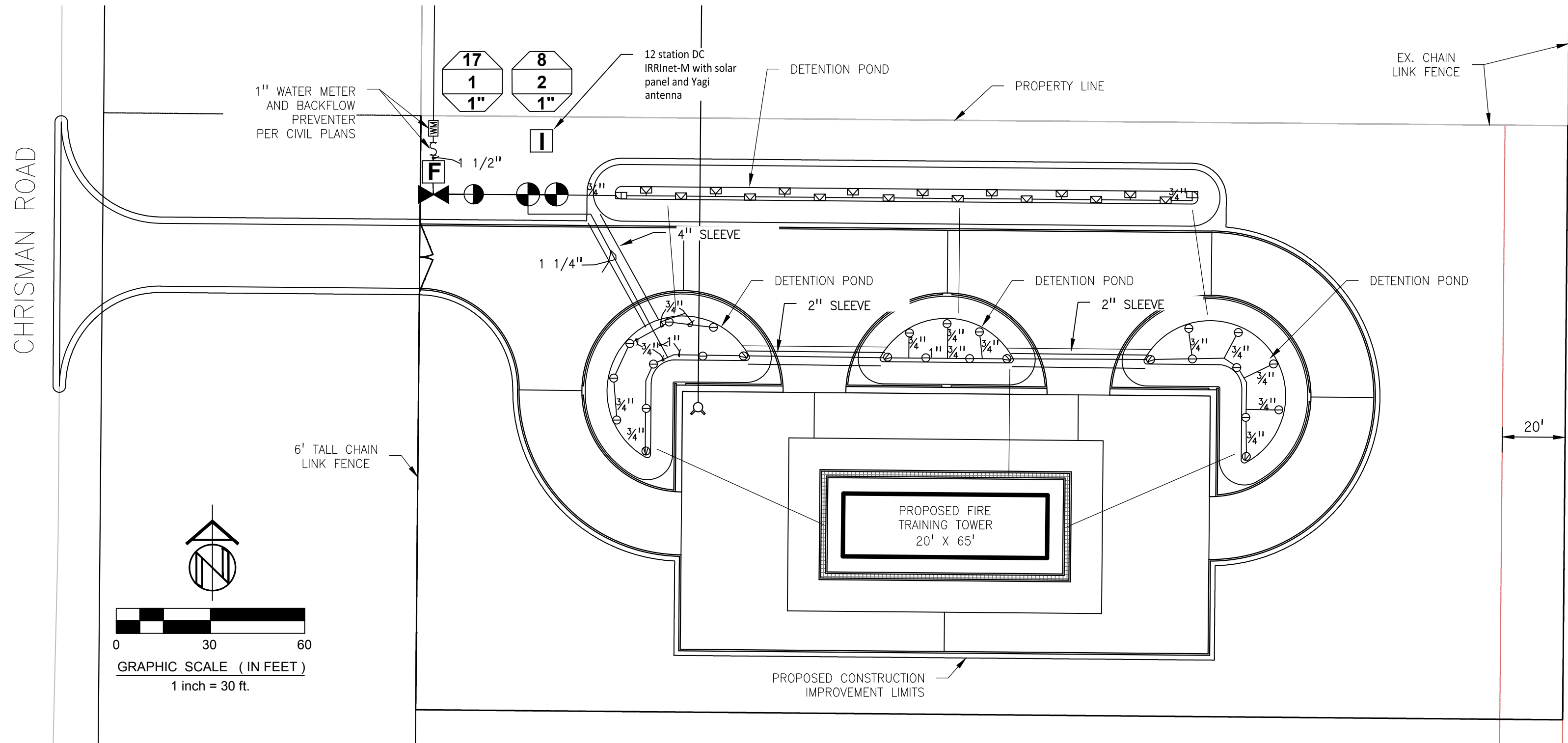
FILE: W:\Engineering\CP's By Project\Active CP Projects\Fire Training Apparatus\NEL CP 71109\Fire Training Exhibit\Exhibit20180916\_Landscape-Irrigation.dwg PLOT DATE: 10/10/2018 5:11 PM



PLANTING PLAN

PLANTING LEGEND:

| Symbol | Botanical Name<br>Common Name | Quantity |
|--------|-------------------------------|----------|
|        | Bio-Filtration Sod            | 2,778 SF |



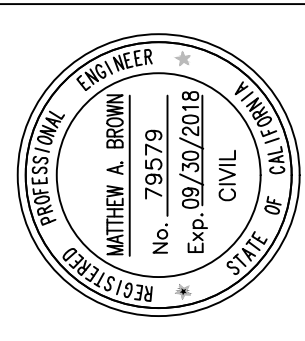
IRRIGATION PLAN

IRRIGATION LEGEND:

| SYMBOLS | MANUFACTURER NO./DESCRIPTION                                                                                                              |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------|
| ---     | MAINLINE: 1120-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 18" COVER, 24" COVER UNDER PAVING - SIZE PER PLAN |
| ----    | SLEEVES: SCHEDULE 40 PVC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS, 24" MIN COVER.                                                  |
| ---     | 1120-SCHEDULE 40 PVC W/SCH 40 SOLVENT WELD FITTINGS, LATERAL LINE 12" COVER - SIZE PER PLAN                                               |
| WM      | 1" IRRIGATION WATER METER PER CIVIL PLAN                                                                                                  |
| S       | 1" IRRIGATION BACKFLOW PERVENTER PER CIVIL PLAN WITHIN BACKFLOW CAGE - SEE DETAILS                                                        |
| F       | ARAD 1" MASTER VALVE/FLOW METER                                                                                                           |
| I       | MOTOROLLA IRRINET-M 12 STATION CONTROLLER DC IRRinet-M WITH SOLAR PANEL AND YAGI ANTENA                                                   |
| ●       | RAINBIRD PEB ELECTRIC REMOTE CONTROL VALVE - SIZE PER PLAN                                                                                |
| ●       | RAINBIRD 33DLRC QUICK COUPLER IN 910 VALVE BOX                                                                                            |
| X       | NIBCO T-FP-600 BALL VALVE, MAINLINE SIZE                                                                                                  |
| □       | HUNTER 6" POP-UP MP ROTATOR SIDE STRIP AND END STRIPS<br>PROS-06-PRS40-CV-MPSS530, MPRC515 & MPLC151                                      |
| ∇       | HUNTER 6" POP-UP MP ROTATOR MP CORNER<br>PROS-06-PRS40-CV-MPCORNER-45                                                                     |
| ⊖       | HUNTER 6" POP-UP MP ROTATOR<br>PROS-06-PRS40-CV-MP2000-90                                                                                 |
|         | CIRCUIT GPM<br>CIRCUIT NUMBER<br>VALVE SIZE                                                                                               |

20% PLANSET  
NOT FOR CONSTRUCTION

CITY OF TRACY



PLANTING &  
IRRIGATION PLAN

| SYMBOL | DATE | DESCRIPTION | APPROVED |
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FIRE TRAINING APPARATUS  
AT NEL RESERVOIR  
1399 S. CHRISMAN ROAD, TRACY, CA 95304  
C.I.P. No. 71109



## PLANTING DESIGN GUIDELINES

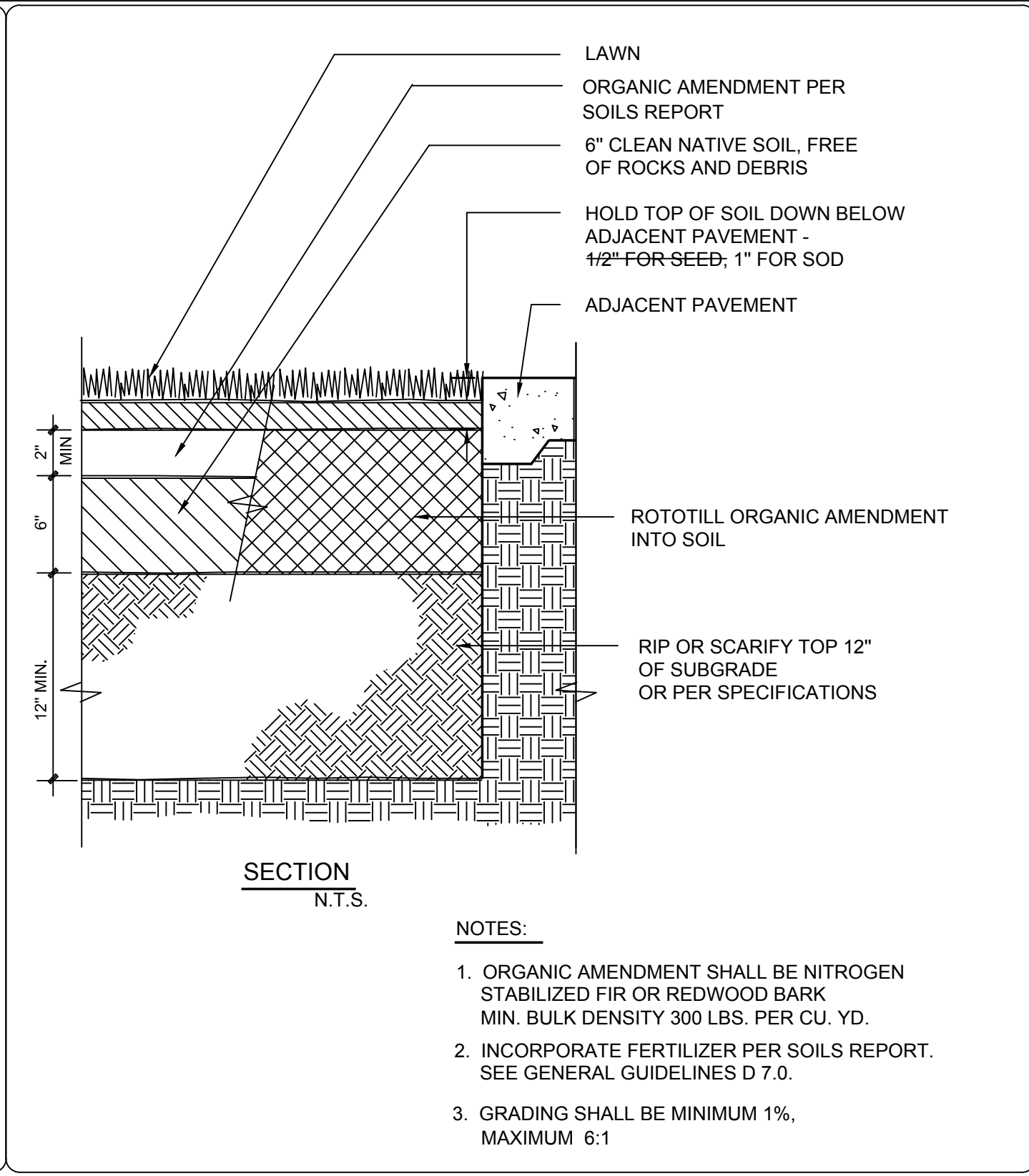
A. GENERAL:

1. SELECT PLANTS ACCORDING TO THE FUNCTIONAL CHARACTERISTICS DESCRIBED IN THE PLANTING ZONES SECTION, AND D.7.1
2. PLANT LISTS SPECIFIED IN THIS MANUAL ARE TO ESTABLISH FUNCTIONAL DESIGN INTENT AND CHARACTER (INFORMAL/FORMAL, EVERGREEN/DECIDUOUS). A REASONABLE ATTEMPT HAS BEEN MADE TO LIST PLANTS THAT WILL FLOURISH IN TRACY AND THAT CAN TOLERATE A WIDE RANGE OF SITE, SOIL AND MAINTENANCE CONDITIONS. HOWEVER, DUE TO UNPREDICTABLE VARIATIONS IN SITE CHARACTERISTICS AND SPECIFIC DESIGN SITUATIONS, IT IS THE SITE DESIGNER'S RESPONSIBILITY TO SELECT PLANTS THAT ARE SUITABLE FOR THE APPLICATION INTENDED. PLANTS NOT ON THE GUIDELINES LIST MAY BE SPECIFIED, PROVIDED THEY ARE CERTIFIED BY THE DESIGNER IN WRITING TO BE APPROPRIATE FOR THE INTENDED USE. SUCH PLAN RECOMMENDATIONS SHALL BE REVIEWED AND APPROVED BY THE CITY. SPECIFIC GUIDELINES FOR MASSING, NUMBER OF SPECIES, FUNCTION AND CHARACTER, AS GIVEN IN THIS MANUAL, MUST IN ANY CASE BE FOLLOWED.
3. EXISTING SITE VEGETATION SHALL BE CHEMICALLY CONTROLLED AS SPECIFIED BY A LICENSED PEST CONTROL ADVISOR AND APPROVED BY CITY PRIOR TO CLEARING THE SITE, STRIPPING, OR SCARIFYING.
4. EXISTING TOPSOIL ON A SITE SHOULD BE STRIPPED AND STOCKPILED FOR REDISTRIBUTION IN THE PLANTING AREAS ONCE GRADING AND HEAVY CONSTRUCTION OPERATIONS ARE COMPLETE. IN ANY CASE, A MINIMUM OF 6" OF CLEAN, FRIABLE TOPSOIL MUST BE PROVIDED IN ALL PLANTING AREAS, OR THE DEPTH THAT ORIGINALLY EXISTED ON THE SITE, WHICHEVER IS DEEPER. WHERE IMPORT SOIL MUST BE USED TO MEET THIS CRITERIA, IT SHALL BE CERTIFIED AS PHYSICALLY AND CHEMICALLY COMPATIBLE WITH THE UNDERLYING SOIL BY THE SOIL TESTING LABORATORY AS DESCRIBED BELOW.

B. SOIL TESTING:

1. GENERAL: PRIOR TO THE PLANTING DESIGN, PROVIDE A SOIL TEST AND RECOMMENDATIONS FOR EACH SITE DEVELOPED. AFTER THE FINAL GRADE HAS BEEN ESTABLISHED FOR THE PROJECT, THE SOIL SHALL BE RETESTED, AND THE FINAL SOIL AMENDMENTS DETERMINED. THE GUIDELINES FOR THE SOIL TESTING ARE AS FOLLOWS:
  - A. PARKS: MINIMUM 2 SAMPLES PER ACRE.
  - B. PARKWAYS: MINIMUM 1 SAMPLE PER 2000 LF OF EACH SIDE OF PARKWAY.
  - C. PROVIDE ONE ADDITIONAL SAMPLE FOR EVERY BATCH OF IMPORT SOIL. PROVIDE ONE ADDITIONAL SAMPLE PER ACRE FOR EVERY 3-FOOT DROP IN GRADE.
2. TESTING SHALL BE DONE BY A REPUTABLE CERTIFIED LABORATORY FOR SOIL AND PLANT DISEASE DIAGNOSIS AND ANALYSIS, WITH A MINIMUM OF FIVE YEARS EXPERIENCE. CITY MUST APPROVE SELECTED LABORATORY BEFORE SAMPLING AND TESTING BEGINS.
3. TAKE SOIL SAMPLES IN ACCORDANCE WITH THE FOLLOWING PROCEDURES:
  - A. A SOIL SAMPLE SHOULD REPRESENT ONLY ONE SOIL OR PLANT CONDITION. THE SAMPLE SHOULD BE A MIXTURE OF 10 OR MORE SUB-SAMPLES TAKEN FROM THE ROOTING DEPTHS OF EXISTING OR PROPOSED PLANTINGS. TYPICAL ROOTING DEPTHS ARE:
    - TURF AND HERBACEOUS GROUNDCOVERS: 0 TO 6"
    - SHRUBS: 0 TO 18"
    - TREES: 0 TO 12" AND 13" TO 36" (SAMPLE FROM EACH DEPTH)
  - B. LANDSCAPE CONDITIONS REQUIRING DIFFERENT SAMPLES WOULD BE:
    - DIFFERENT SOIL TEXTURES OR COLORS.
    - DIFFERENT DRAINAGE PATTERNS.
    - IMPORT FILLS.
    - AREAS RECEIVING DIFFERENT FERTILIZER OR AMENDMENT TREATMENTS.

- B. SAMPLES SHOULD NOT CONTAIN ANY PLANT OR ORGANIC MATERIAL FROM THE SOIL SURFACE. THE BEST COLLECTING TOOL IS A SAMPLING TUBE WHICH REMOVES A CORE OF SOIL FROM THE SURFACE TO THE LOWER ROOTING DEPTHS. IF A SHOVEL IS USED, THEN A HOLE SHOULD BE DUG TO THE CORRECT DEPTH AND A VERTICAL 1" SLICE TAKEN FROM THE SIDE OF THE HOLE.
  - C. THE SUB-SAMPLES SHOULD BE RANDOMLY COLLECTED FROM EACH REPRESENTATIVE AREA. THEY SHOULD BE MIXED THOROUGHLY AND PLACED IN A WATER PROOF BAG OR CONTAINER (GALLON ZIP-LOCK FREEZER BAGS WORK WELL). LABELS WITH ALL PERTINENT INFORMATION SHOULD BE PLACED ON THE OUTSIDE OF THE CONTAINER. COLLECT AT LEAST TWO CUPS OF SOIL FOR EACH SAMPLE.
  - 4. SOIL ANALYSIS AT A MINIMUM SHOULD BE DONE FOR SOIL CHEMISTRY INCLUDING PH; FERTILITY; AGRICULTURAL SUITABILITY; PARTICLE SIZE ANALYSIS; PERCOLATION RATE; AND PRESENCE OF CALCAREOUS CONDITION. ADDITIONAL TESTS MAY BE REQUIRED.
  - 5. SOIL TEST RESULTS SHALL BE PRESENTED IN A REPORT FORM, AND SHOULD INCLUDE RECOMMENDATIONS FOR SOIL AMENDMENT, FERTILIZATION, DRAINAGE MITIGATION, AND OTHER NECESSARY MEASURES, FOR BOTH PLANTING AND DURING THE INITIAL 60 OR 90-DAY MAINTENANCE PERIOD. DEPTH OF WATER TABLE SHALL BE ASCERTAINED AND INCLUDED IN THE REPORT.
  - 6. SOIL REPORT SHALL BE SUBMITTED TO THE CITY CONCURRENTLY WITH THE LANDSCAPE AND IRRIGATION PLANS FOR THE PROJECT, AND SHALL BE ACCOMPANIED BY STATEMENT FROM A LANDSCAPE ARCHITECT, HORTICULTURAL CONSULTANT OR THE SOIL AND PLANT LABORATORY THAT THE PROPOSED PLANT LIST, PLANTING AND IRRIGATION METHODS ARE IN COMPLIANCE WITH THE SOIL REPORT RECOMMENDATIONS AND WITH THE INTENT OF THE DESIGN GUIDELINES MANUAL.
- C. PLANTING: NOT USED
- D. HYDROSEEDING OR HYDRO SPRIGGING (OPTION); NOT USED
- E. SOD PLANTING
- 1. SOD SHALL CONSIST OF 90% TALL FESCUE VARIETIES & 10% BLUEGRASS OR EQUAL PER PLAN.
  - 2. GRADING FOR SOD SHALL BE LEVEL AND SMOOTH. ONE INCH BELOW TOP OF PAVEMENT OR AS DIRECTED. GRADING FOR SOD SHALL BE LEVEL AND SMOOTH, WITH NO LOW SPOTS ALLOWED.
  - 3. SOIL SHALL BE MOISTENED TO A DEPTH OF 6" BEFORE SOD IS INSTALLED.
  - 4. EDGES OF SOD SHALL BE LAID IN STAGGERED ROWS WITH EDGES BUTTING TIGHTLY TOGETHER.
  - 5. AFTER LAYING, SOD SHALL BE WATERED AND ROLLED WITH A WEIGHTED ROLLER TO INSURE ADEQUATE CONTACT WITH THE SOIL.
- F. MAINTENANCE:
- 1. MAINTENANCE SHALL INCLUDE THE FOLLOWING: MOWING, WATERING, WEEDING, ROLLING, TRIMMING, EDGING, FERTILIZING, SPRAYING INSECT AND PEST CONTROLS, RODENT CONTROL, RESEEDING, RESEEDING, OR REPLACEMENT OF DAMAGED MATERIALS.
  - 2. USE A PRE-EMERGENT WEED CONTROL BEFORE MAINTENANCE BEGINS AND AGAIN AT THE END OF THE MAINTENANCE PERIOD.
  - 3. FERTILIZE AT 30 DAY INTERVALS AND AGAIN AT THE END OF THE MAINTENANCE PERIOD.
  - 4. MAINTENANCE PERIOD SHALL BE FOR 90 DAYS.
  - 5. ALL GUARANTEE BINDERS, SITE INFORMATION AND AS-BUILTS MUST BE TURNED OVER AT THE END OF THE MAINTENANCE PERIOD.
  - 6. OMITTED
  - 7. OMITTED



1. ORGANIC AMENDMENT SHALL BE NITROGEN STABILIZED FIR OR REDWOOD BARK MIN. BULK DENSITY 300 LBS. PER CU. YD.
2. INCORPORATE FERTILIZER PER SOILS REPORT SEE GENERAL GUIDELINES D 7.0.
3. GRADING SHALL BE MINIMUM 1%, MAXIMUM 6:1

|                                                                                                                                                                                                                                     |                               |             |                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------|----------------------------------------------|
| <br><b>TRACY</b><br><br><small>Think Inside the Triangle™</small> | REVIEWED BY: <i>Khan</i>      |             | DETAIL No. <b>D 7.0</b><br>Sheet 1 of 3      |
|                                                                                                                                                                                                                                     | CITY ENGINEER _____ RCE 37186 |             |                                              |
|                                                                                                                                                                                                                                     | Res No. 2008-255              | DATE: _____ | <b>PLANTING</b><br><b>General Guidelines</b> |
|                                                                                                                                                                                                                                     | Rev: _____                    | Rev: _____  |                                              |

## GENERAL IRRIGATION GUIDELINES

1. ALL IRRIGATION SYSTEMS SHALL BE INSTALLED WITH A REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY AT POINT OF CONNECTION. D8.13
2. BALL VALVES SHALL BE INSTALLED OFF MAINLINE BEFORE A GROUP OF VALVES OR A SINGLE VALVE TO FACILITATE EASE OF MAINTENANCE OF VALVES. BEFORE MAINLINE CROSSED UNDER STREET, AND ALSO AT LOCATIONS ALONG MAINLINE TO ALLOW SERVICE TO SYSTEM.
3. MAIN LINES (CONSTANT PRESSURE) SHALL BE SCHEDULE 40 SOLVENT WELD WITH SCHEDULE 40 FITTINGS FOR SIZES 2" AND LESS. FOR MAIN LINES 2 1/2" AND LARGER PVC CLASS 315 WITH SCHEDULE 40 SOLVENT WELD FITTINGS. 18" MINIMUM COVER. ALL MAINLINE SHALL HAVE DETECTABLE TAPE ALONG FULL LENGTH OF MAINLINE. D8.15
4. LATERAL LINES SHALL BE SCHEDULE 40 PVC PIPE WITH SOLVENT WELD FITTINGS - 12" MINIMUM COVER. D8.15
5. THRUST BLOCKS SHALL BE PROVIDED TO RESIST SYSTEM PRESSURE ON RING-TITE PIPE AND FITTINGS, BASED ON AVERAGE SOIL SAFE BEARING LOAD OF 1000#/PER SQUARE FOOT. D8.16
6. QUICK COUPLERS SHALL BE PROVIDED AT INTERVALS OF 100 FEET AT PARKWAYS. AT PARKS, QUICK COUPLERS SHALL BE PLACED AT FUNCTIONAL USE ZONES, SUCH AS BUS STOPS, TRASH RECEPTACLES, PLAYGROUNDS, DRINKING FOUNTAINS, AND AT AREAS OTHERWISE DIRECTED BY THE CITY. PLACE IN VALVE BOX FOR PROTECTION AND EASE OF USE. INSTALL EMS DEVICE IN BOX. D8.17
7. REMOTE CONTROL VALVES SHALL BE 200 PSI RATED PLASTIC BODY AND BONNET. ONE VALVE PER VALVE BOX. VALVE VALVE SHALL BE AT GRADE AND HAVE AN EMS DEVICE PLACED IN THE BOX TO FACILITATE DETECTION MY METAL DETECTOR. D8.18
8. CITY NO LONGER ALLOWS DRIP SYSTEMS FOR CITY MAINTAINED LANDSCAPES.
9. WIRE SPLICES SHALL BE MADE WITH 3M-DRBY CONNECTORS OR APPROVED EQUAL FOR PROJECTS IN PUBLIC WORKS' JURISDICTION, AND DRIP-SPLICE CONNECTORS OR EQ. FOR PROJECTS IN THE L.M.D. ALL SPLICES SHALL BE MADE IN VALVE BOX ONLY & SHOWN ON AS-BUILTS. D8.20
10. THREADED PVC FITTINGS SHALL BE WRAPPED WITH TEFLON TAPE. MINIMUM THREE WRAPS. ALL SPLICES SHALL BE MADE IN VALVE BOX ONLY & SHOWN ON AS-BUILTS. D8.20
11. VALVE WIRE SHALL BE BURIED WITH MAIN LINE - 18" MINIMUM COVER. COMMON WIRE TO BE WHITE, CONTROL WIRES TO EACH VALVE COLOR CODED AS PER GROUPING BY AREA AS DESIGNATED BY CITY. MINIMUM SIZE TO BE 14 GAUGE. INSTALL 1 (ONE) EXTRA WIRE FOR EACH 3 VALVES WITH 2 (TWO) MAXIMUM PER EVERY 10 (TEN) VALVES. EXTRA WIRE SHALL BE A DIFFERENT COLOR FROM VALVE WIRES. D8.15
12. ALL VALVE WIRES SHALL BE LABELED BY NUMBER WITH PERMANENT MARKINGS IN THE CONTROLLER. ALL VALVE BOXES SHALL BE HOT STAMPED WITH THE CORRESPONDING VALVE NUMBER. INSIDE BOXES, ALL VALVE WIRES SHALL BE PERMANENTLY MARKED.
13. LEAVE A 36" INCH COIL OF EXCESS WIRE AT EACH SPLICE ALONG THE MAINLINE RUN AND AT 100 FEET ON CENTER ALONG ANY WIRE RUN.
14. ALL POP-UP HEADS SHALL HAVE A CHECK VALVE TO PREVENT LOW HEAD DRAINAGE.
15. ALL SHRUB SPRAYS AND SHRUB ROTORS WITHOUT INTERNAL CHECK VALVES SHALL HAVE A CHECK VALVE INSTALLED ON THE RISER IN PLACE OF THE SCHEDULE 40 COUPLING.
16. MAXIMUM SPACING OF SPRINKLERS (OTHER THAN BUBBLERS) SHALL NOT EXCEED 40% OF THE DIAMETER, DUE TO PREVAILING WIND CONDITIONS. TRIANGULAR SPACING WHEREVER POSSIBLE.
17. NOZZLES SHALL BE MATCHED PRECIPITATION RATE NOZZLES.
18. ALL SPRINKLERS ALONG WALKS OR PERIMETERS SHALL BE ADJUSTABLE RADIUS TO REDUCE OVERTHROW.
19. WHERE NOZZLES ARE NOT MATCHED PRECIPITATION RATE, VALVE FULL CIRCLE SPRINKLERS SEPARATE FROM PART CIRCLE SPRINKLERS.

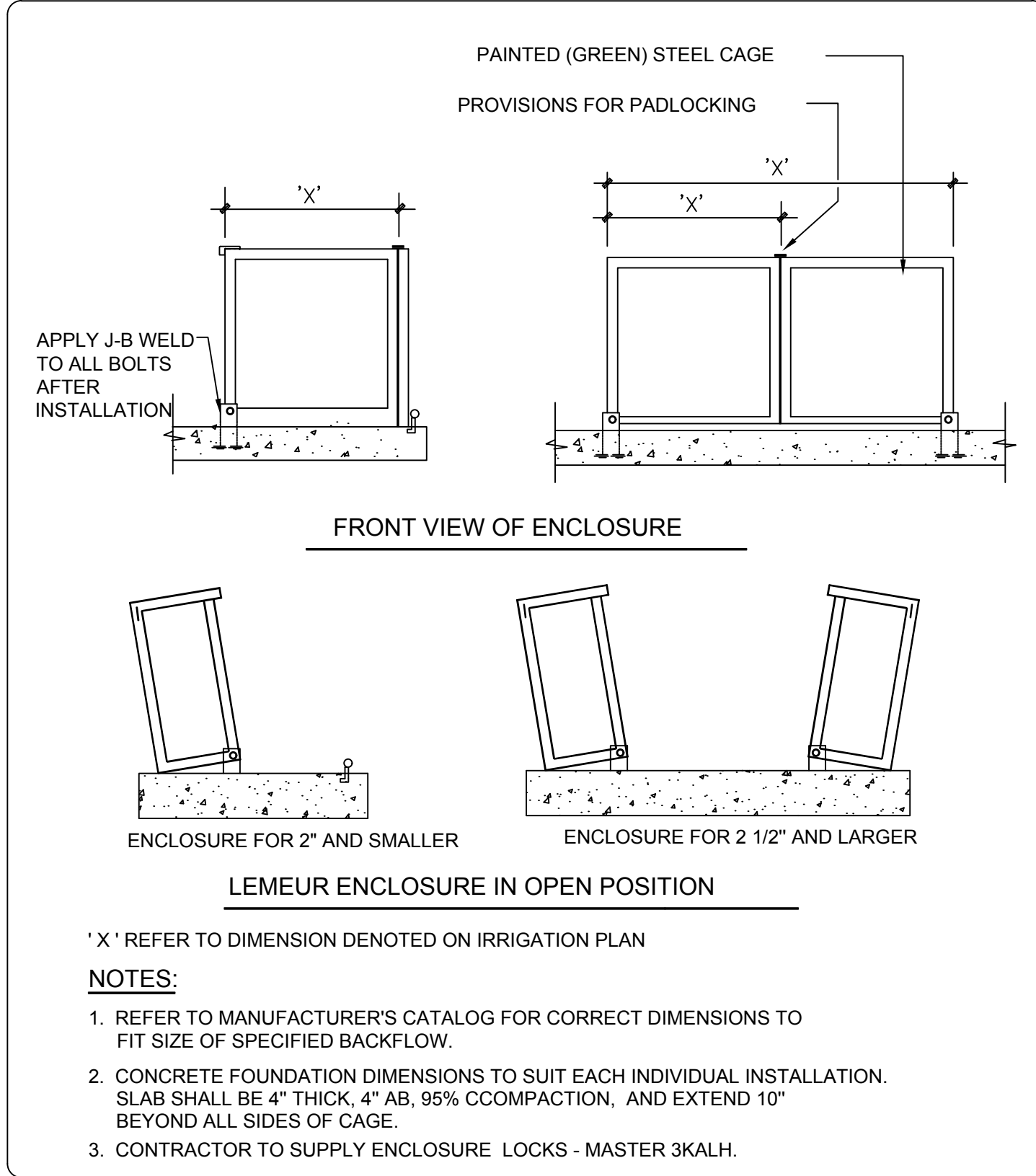
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7. REMOTE CONTROL VALVES SHALL BE 200 PSI RATED PLASTIC BODY AND BONNET. ONE VALVE PER VALVE BOX. VALVE BOX SHALL BE 18" MINIMUM DEPTH AND HAVE AN EMS DEVICE PLACED IN THE BOX TO FACILITATE DETECTION MY METAL DETECTOR. D8.18
8. CITY NO LONGER ALLOWS DRIP SYSTEMS FOR CITY MAINTAINED LANDSCAPES.
9. WIRE SPLICES SHALL BE MADE WITH 3M-DBY CONNECTORS OR APPROVED EQUAL FOR PROJECTS IN PUBLIC WORKS' JURISDICTION, AND DR-SPICE CONNECTORS OR EQ. FOR PROJECTS IN THE L.M.D. ALL SPLICES SHALL BE MADE IN VALVE BOX ONLY & SHOWN ON AS-BUILTS. D8.20
10. THREADED PVC FITTINGS SHALL BE WRAPPED WITH TEFLON TAPE. MINIMUM THREE WRAPS. ALL SPLICES SHALL BE MADE IN VALVE BOX ONLY & SHOWN ON AS-BUILTS. D8.20
11. VALVE WIRE SHALL BE BURIED WITH MAIN LINE - 18" MINIMUM COVER. COMMON WIRE TO BE WHITE, CONTROL WIRE TO EACH VALVE BOX COLOR CODED BY AREA AS DESIGNATED BY CITY. MINIMUM SIZE TO BE 14 GAUGE. INSTALL 1 (ONE) EXTRA WIRE FOR EACH 3 VALVES WITH 2 (TWO) MAXIMUM PER EVERY 10 (TEN) VALVES. EXTRA WIRE SHALL BE A DIFFERENT COLOR FROM VALVE WIRES. D8.15
12. ALL VALVE WIRES SHALL BE LABELED BY NUMBER WITH PERMANENT MARKING IN THE CONTROLLER. ALL VALVE BOXES SHALL BE HOT STAMPED WITH THE CORRESPONDING VALVE NUMBER. INSIDE BOXES, ALL VALVE WIRES SHALL BE HOT STAMPED WITH PERMANENT MARKING WITH VALVE NUMBER.
13. LEAVE A 36" INCH COIL OF EXCESS WIRE AT EACH SPICE ALONG THE MAINLINE RUN AND AT 100 FEET ON CENTER ALONG ANY WIRE RUN.
14. ALL POP-UP HEADS SHALL HAVE A CHECK VALVE TO PREVENT LOW HEAD DRAINAGE.
15. ALL SHRUB SPRAYS AND SHRUB ROTORS WITHOUT INTERNAL CHECK VALVES SHALL HAVE A CHECK VALVE INSTALLED ON THE RISER IN PLACE OF THE SCHEDULE R COUPLING.
16. MAXIMUM SPACING OF SPRINKLERS (OTHER THAN BUBBLERS) SHALL NOT EXCEED 40% OF THE DIAMETER, DUE TO PREVAILING WIND CONDITIONS. TRIANGULAR SPACING WHEREVER POSSIBLE.
17. NOZZLES SHALL BE MATCHED PRECIPITATION RATE NOZZLES.
18. ALL SPRINKLERS ALONG WALKS OR PERIMETERS SHALL BE ADJUSTABLE RADIUS TO REDUCE OVERTHROW.
19. WHERE NOZZLES ARE NOT MATCHED PRECIPITATION RATE, VALVE FULL CIRCLE SPRINKLERS SEPARATE FROM PART CIRCLE SPRINKLERS.

|                                                                                                                                                                                                                                     |                               |             |                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------|----------------------------------------------|
| <br><b>TRACY</b><br><br><small>Think Inside the Triangle™</small> | REVIEWED BY: <i>Khan</i>      |             | DETAIL No. <b>D 7.0</b><br>Sheet 2 of 3      |
|                                                                                                                                                                                                                                     | CITY ENGINEER _____ RCE 37186 |             |                                              |
|                                                                                                                                                                                                                                     | Res No. 2008-255              | DATE: _____ |                                              |
|                                                                                                                                                                                                                                     | Rev: _____                    | Rev: _____  |                                              |
| Rev: _____                                                                                                                                                                                                                          | Rev: _____                    |             | <b>PLANTING</b><br><b>General Guidelines</b> |

19. SOILS SHALL BE INVESTIGATED AT EACH SITE FOR WATER RETENTION CAPABILITIES. SOILS REPORTS SPECIFIC INFILTRATION RATES RANGE FROM 2 TO 6 INCHES/HOUR.
20. IRRIGATION SYSTEMS SHALL BE DESIGNED SO THAT THE APPLICATION RATE OF WATER DOES NOT EXCEED THE INFILTRATION RATE OF THE SOIL (SEE SOILS REPORT) AND WILL NOT ALLOW EXCESSIVE OVERSPRAY AND RUNOFF. IN GENERAL, LOW VOLUME SPRINKLER HEADS, AND PRESSURE COMPENSATION BUBBLERS SHALL BE USED THROUGHOUT THE SYSTEM.
21. CONTROLLERS SHALL HAVE MULTIPLE PROGRAMS AND WATER BUDGETING AVAILABLE. INSTALL CONTROLLERS INTO A VANDAL RESISTANT CONTROLLER ENCLOSURE. THE CITY WILL UTILIZE A MOTOROLA CENTRAL IRRIGATION CONTROL SYSTEM, AND SATELLITE FIELD CONTROLLERS. D 8.21
22. SPRINKLERS AT TOPS OF SLOPES SHALL BE VALVED SEPARATELY FROM SPRINKLERS AT BOTTOM OF SLOPES. PRECIPITATION RATES OF HEADS SHALL BE CONSIDERED.
23. FOR INSTALLATION, USE STRAP WRENCHES ONLY ON ALL EQUIPMENT WITH UNIONS, EXCEPT ON BACKFLOWS. NO PIPE WRENCHES SHALL BE USED.
24. MAIN LINE IRRIGATION NEEDS TO BE CENTER LOADED WITH VALVES INSTALLED AND FITTINGS COMPLETELY VISIBLE. A WATER PRESSURE OF 125 PSI SHALL BE APPLIED AND HELD FOR 2.5 HOURS. ALL LEAKS SHALL BE REPAIRED AND ALL LINES APPROVED BY THE CITY BEFORE ANY OF THE SYSTEM IS BALANCED.
25. CONTRACTOR SHALL KEEP AN AS-BUILT FIELD COPY OF IRRIGATION SYSTEM SHOWING ALL CHANGES. MAIN LINE SHALL NOT BE BACKFILLED UNTIL AS-BUILT DRAWINGS ARE APPROVED BY ENGINEER. MARKED UP AS-BUILTS SHALL BE TURNED OVER TO CITY BEFORE MAINTENANCE BEGINS. LANDSCAPE ARCHITECT SHALL PREPARE RECORD DRAWINGS IN AUTOCAD FORMAT, AND PRINT AND SUBMIT NEW MYLARS.
26. IF EXPANDING EXISTING PARKWAY OR FACILITY, CONTRACTOR WILL UPDATE EXISTING CONTROLLER CHARTS, REFLECTING ANY MODIFICATIONS TO THE EXISTING PROJECT AND PROVIDING A NEW CHART. UPON INSTALLATION OF A NEW SCORPIO UNIT, CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPROGRAMMING OF THE EXISTING OR NEW IRRINET FROM WHICH THE SCORPIO WILL COMMUNICATE.
27. FOR EACH IRRINET INSTALLED, PROVIDE CITY WITH TWO SETS OF LAMINATED REDUCED (11"x17") AS-BUILT IRRIGATION CHARTS, 10 MIL THICKNESS OF LAMINATION, SHOWING ZONES AND CORRESPONDING CORRESPONDING CONTROLLER STATIONS. FOR EACH SCORPIO CONTROLLER, PROVIDE THREE CHARTS.
27. ALL WATERING SHALL TAKE PLACE WITHIN THE CITY'S REQUIRED WATER WINDOW, OF 10PM TO 7AM. PROVIDE AN AUDIT TO SHOW WATERING SCHEDULE AND HOW IT MEETS REQUIREMENTS.
28. IRRIGATION SYSTEMS MUST BE COMPLETE AND FULLY OPERATIONAL BEFORE ANY PLANTING BEGINS.
29. A BOOSTER PUMP WILL BE REQUIRED FOR ALL PARKS AND MAY OR MAY NOT BE REQUIRED FOR STREET SCAPES. PLACEMENT SHALL BE WITHIN CITY'S RIGHT OF WAY. BOOSTER PUMP, BACKFLOW, FLOW METER AND CONTROLLER SHALL BE SECURED WITHIN A LOCKED CHAIN LINK ENCLOSURE WHERE APPLICABLE. AN EXTERNAL ROUTED BY-PASS SHALL BE INCLUDED WITH ALL INSTALLATIONS.
30. IRRIGATION SYSTEMS MUST BE DESIGNED WITH A WATER AUDIT FOR THE PLANT ESTABLISHMENT PERIOD AND LONG TERM MAINTENANCE. AUDIT SHALL INCLUDE APPLIED WATER IRRIGATION, IRRIGATION DAYS PER WEEK, CYCLES PER DAY, MINIMUM OF RUN TIME PER CYCLE. CONSIDERATION SHOULD BE GIVEN TO THE FLOW RATE, AREA COVERED BY VALVE, AND PRECIPITATION RATE. WATER AUDIT REPORT SHALL BE SUBMITTED TO THE CITY ALONG WITH LANDSCAPING AND IRRIGATION PLANS.
31. PRESSURE LOSS CALCULATIONS SHALL BE PROVIDED UPON FIRST IRRIGATION SUBMITTAL TO THE CITY. SHOW LOSSES BASED ON VALVE WITH POTENTIAL FOR GREATEST LOSS.
41. ALL WARRANTY REPAIRS ARE TO BE COMPLETED WITHIN 72 HOURS OF NOTIFICATION, OR CITY MAY MAKE REPAIRS AT CONTRACTOR'S EXPENSE.
33. A 4 INCH IRRIGATION POINT OF CONNECTION (STUB) IS REQUIRED FOR ALL PARK SITES.

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|                                                                                     |                               |                                                                               |       |
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|  | REVIEWED BY: <i>Kelham</i>    | DETAIL No. <b>D 7.8</b><br>Sheet 1 of 1<br><br><b>PLANTING</b><br><b>Turf</b> |       |
|                                                                                     | CITY ENGINEER _____ RCE 37186 |                                                                               |       |
|                                                                                     | Res No. 2008-255              |                                                                               | DATE: |
|                                                                                     | Rev:                          |                                                                               | Rev:  |
|                                                                                     | Rev:                          |                                                                               |       |



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|  | REVIEWED BY: <i>gham</i> | DETAIL No. | <b>D 8.13.2</b>                                         |              |
|                                                                                       | CITY ENGINEER            | RCE 37186  |                                                         | Sheet 1 of 1 |
|                                                                                       | Res No. 2008-255         | DATE:      | <b>IRRIGATION</b><br><b>Backflow Assembly Enclosure</b> |              |
|                                                                                       | Rev:                     | Rev:       |                                                         |              |
| Rev:                                                                                  | Rev:                     |            |                                                         |              |

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| <br>Think Inside the Triangle™ | REVIEWED BY: <i>Khan</i>          | DETAIL No. <b>D 8.0</b>                        |
|                                                                                                                   | CITY ENGINEER _____ RCE 37186     | Sheet 1 of 2                                   |
|                                                                                                                   | Res No. 2008-255      DATE: _____ | <b>IRRIGATION</b><br><b>General Guidelines</b> |
|                                                                                                                   | Rev: _____ Rev: _____             |                                                |
| Rev: _____ Rev: _____                                                                                             |                                   |                                                |

|                                                                                     |                                 |                                          |
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|  | REVIEWED BY: <i>[Signature]</i> | DETAIL No. <b>D 8.0</b>                  |
|                                                                                     | CITY ENGINEER _____ RCE 37186   | Sheet 2 of 2                             |
|                                                                                     | Res No. 2008-255 DATE: _____    | <b>IRRIGATION<br/>General Guidelines</b> |
|                                                                                     | Rev: _____ Rev: _____           |                                          |

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OF 9 SHEETS

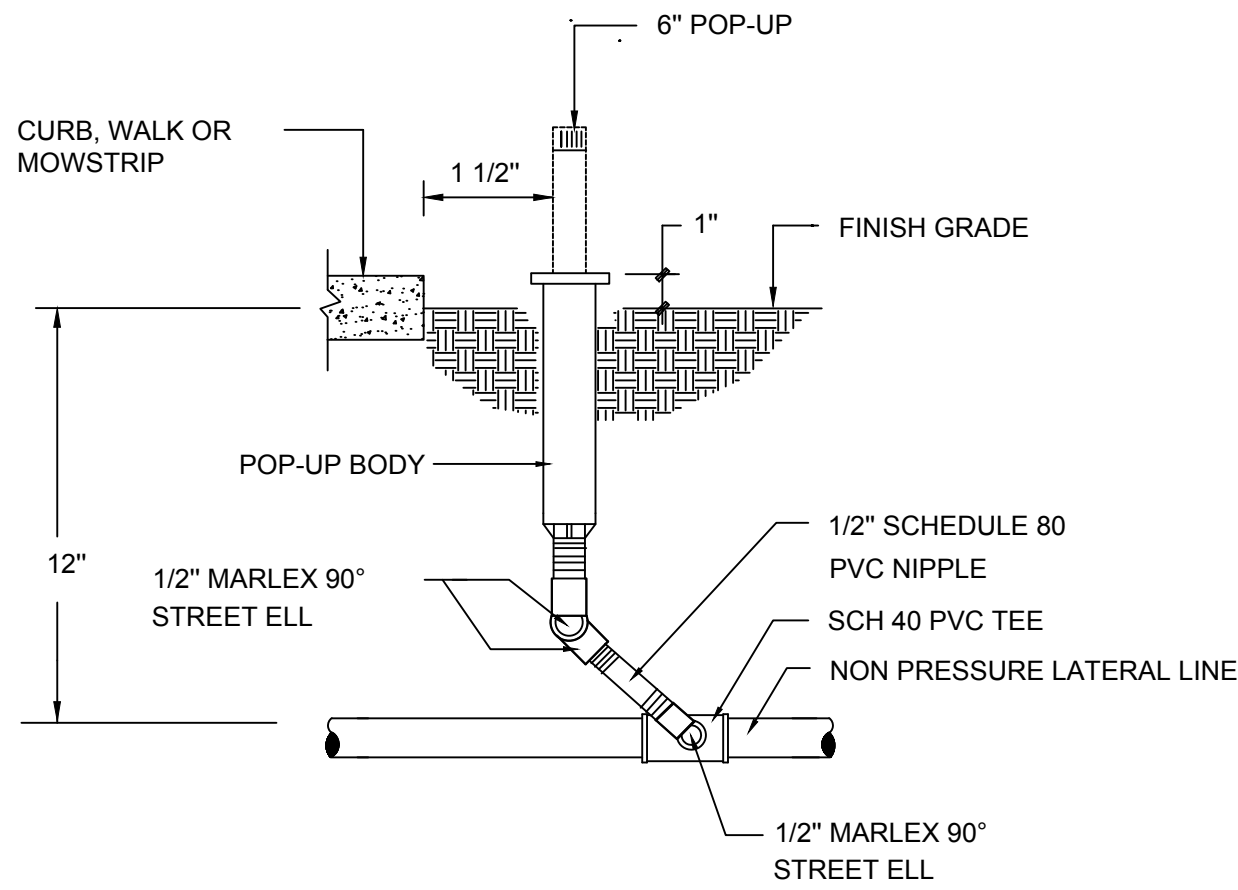
OF 9 SHEETS

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PLOT DATE: 10/1/2018 3:11 PM



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#### NOTES

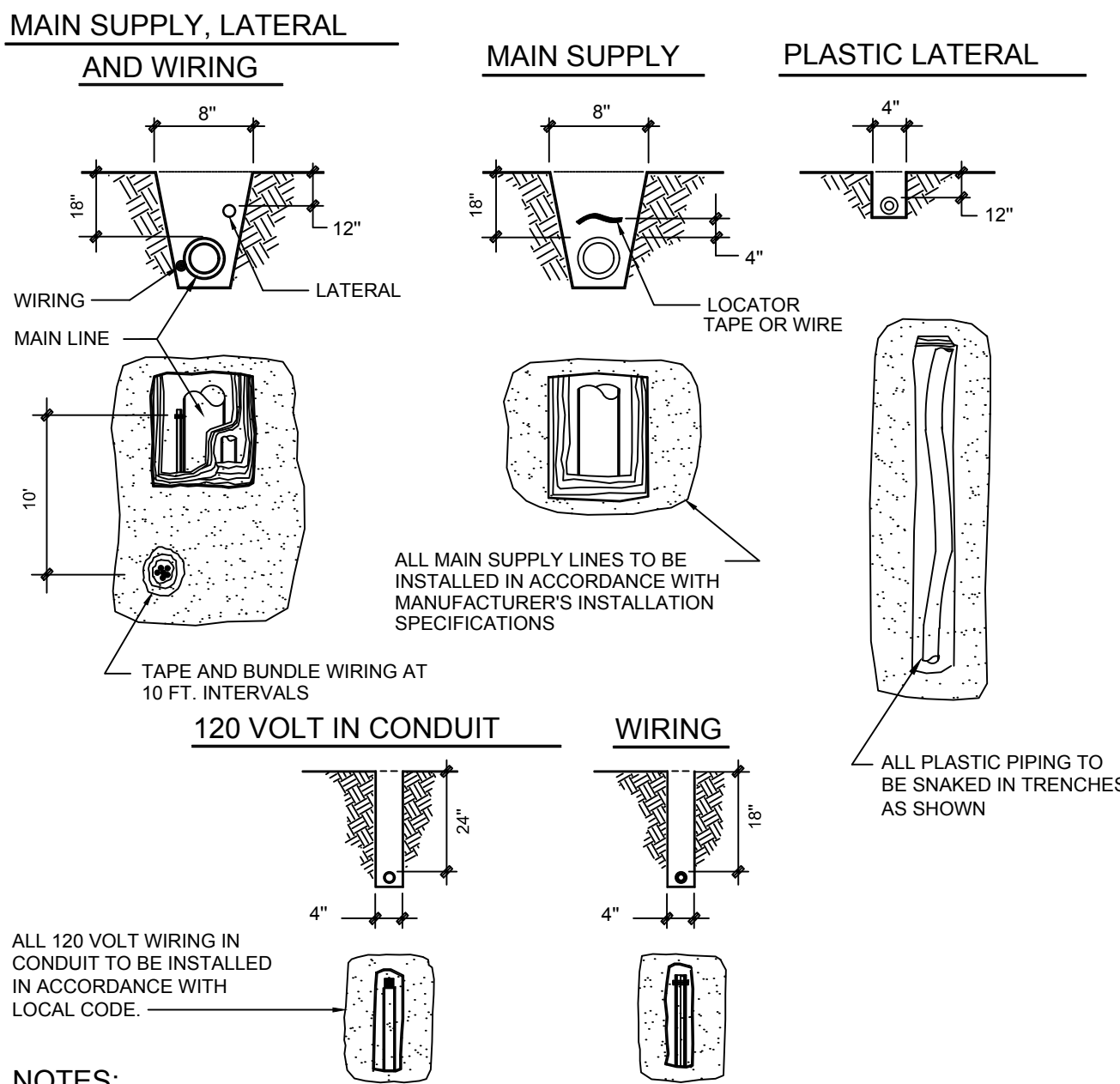
1. SPRINKLER TO HAVE INTEGRAL CHECK VALVE TO PREVENT LOW HEAD DRAINAGE.
2. IRRIGATION HEADS TO BE SET 1" ABOVE FINISH GRADE IN SODDED AREA.
3. OPTIONAL INSTALLATION: PRE-MANUFACTURED SWING JOINTS, RB-SR125050, RB-SR125075 OR EQUAL.
33. A 4 INCH IRRIGATION POINT OF CONNECTION (STUB) IS REQUIRED FOR ALL PARK SITES.

#### CITY OF TRACY

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| REVIEWED BY: <i>Kelham</i> | DETAIL No. <b>D 8.2</b> |
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| Res No. 2008-255 DATE:     |                         |
| Rev: Rev:                  |                         |
| Rev: Rev:                  |                         |

#### IRRIGATION 6" Pop-Up Lawn Spray

PARKS AND STREETSCAPE STANDARD PLANS



#### NOTES:

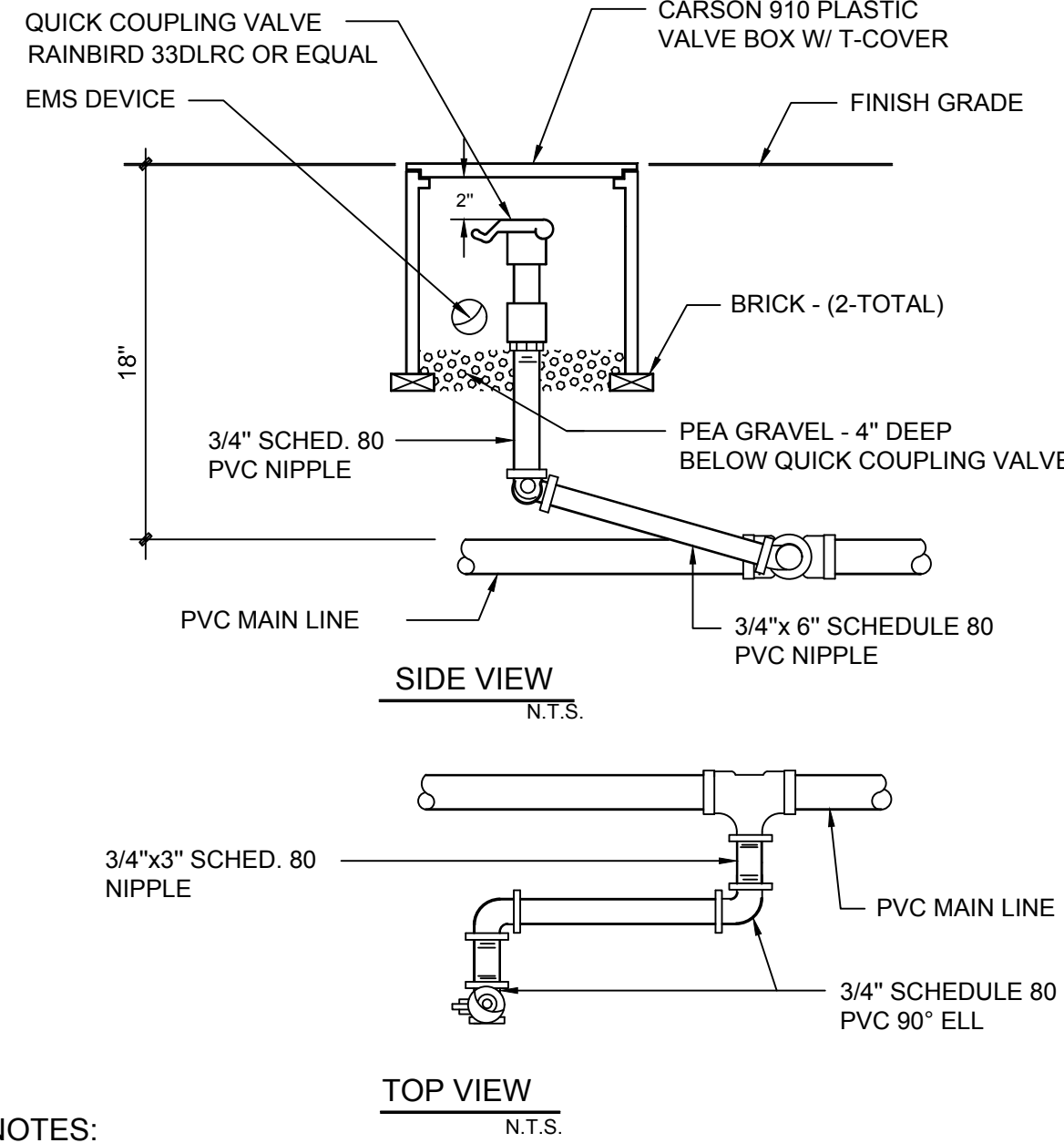
1. COMMON TRENCHING OF IRRIGATION PIPE LINE AND/OR REMOTE CONTROL VALVE WIRING TO BE DONE WHEREVER POSSIBLE.
2. MAINTAIN MINIMUM 4" SPACE BETWEEN PARALLEL PIPE LINES AND 6" BETWEEN VERTICAL MAIN LINE AND LATERAL LINES.
3. WIRING AND MAIN LINE TO BE AT SAME MINIMUM DEPTH OF 18". WHEN NO CONTROL WIRE USED, INSTALL LOCATOR WIRE ALONG LENGTH OF MAIN.
4. UNDER CONCRETE OR PAVING, CONTROL WIRE TO BE SLEEVED SEPARATELY FROM MAINLINE OR LATERAL SLEEVES.

#### CITY OF TRACY

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| REVIEWED BY: <i>Kelham</i> | DETAIL No. <b>D 8.15</b> |
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| Res No. 2008-255 DATE:     |                          |
| Rev: Rev:                  |                          |
| Rev: Rev:                  |                          |

#### IRRIGATION Trenching Detail

PARKS AND STREETSCAPE STANDARD PLANS



#### NOTES:

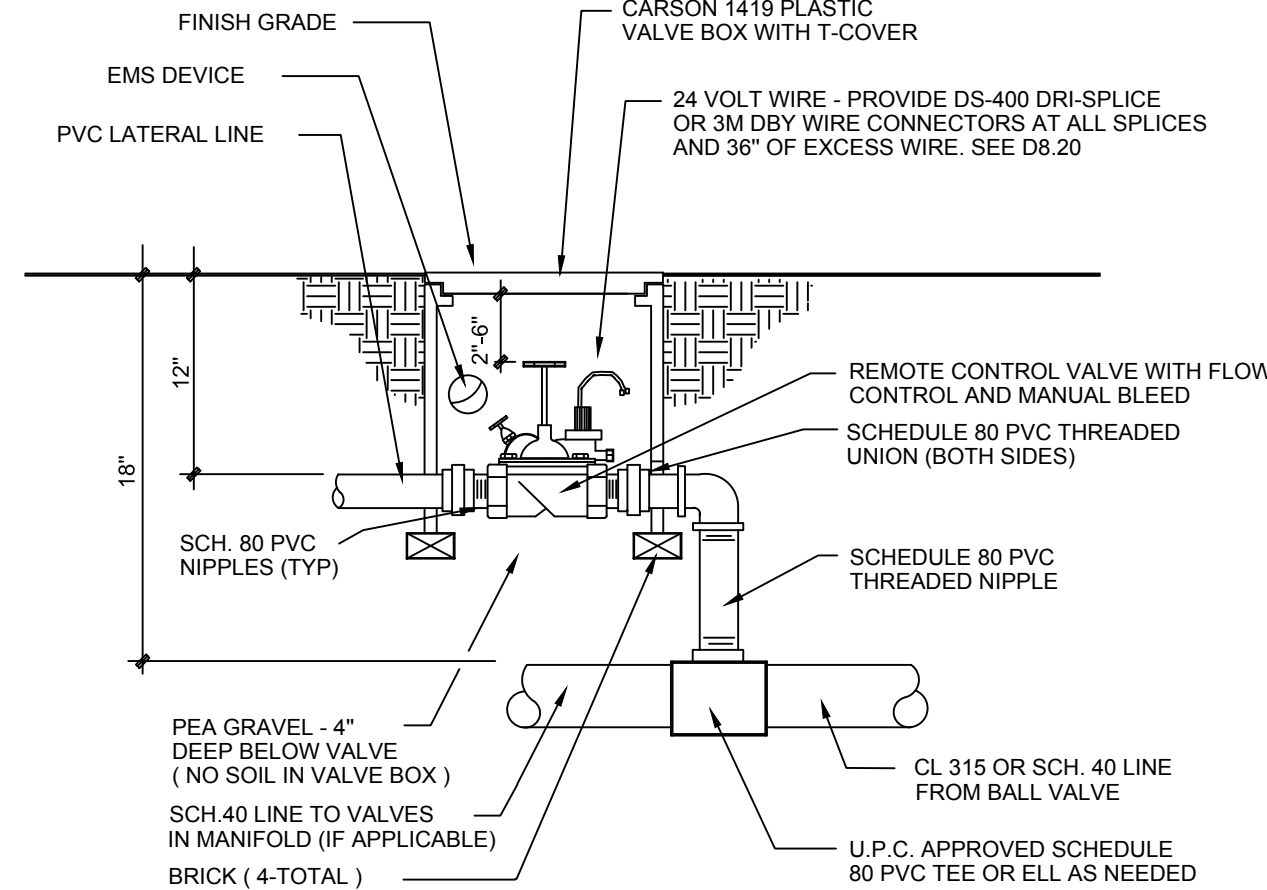
1. VALVE BOX SHALL HAVE A LOCK BOLT. VALVE BOX SHALL BE CARSON 910 WITH T COVER.
2. PROVIDE TWO QUICK COUPLER KEYS TO CITY AT COMPLETION OF PROJECT.
3. RAINBIRD TSJ-12 OR LONGER PRE-MANUFACTURED SWING JOINTS -ACCEPTABLE.

#### CITY OF TRACY

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| Rev: Rev:                  |                          |
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#### IRRIGATION Quick Coupling Valve

PARKS AND STREETSCAPE STANDARD PLANS



#### NOTES:

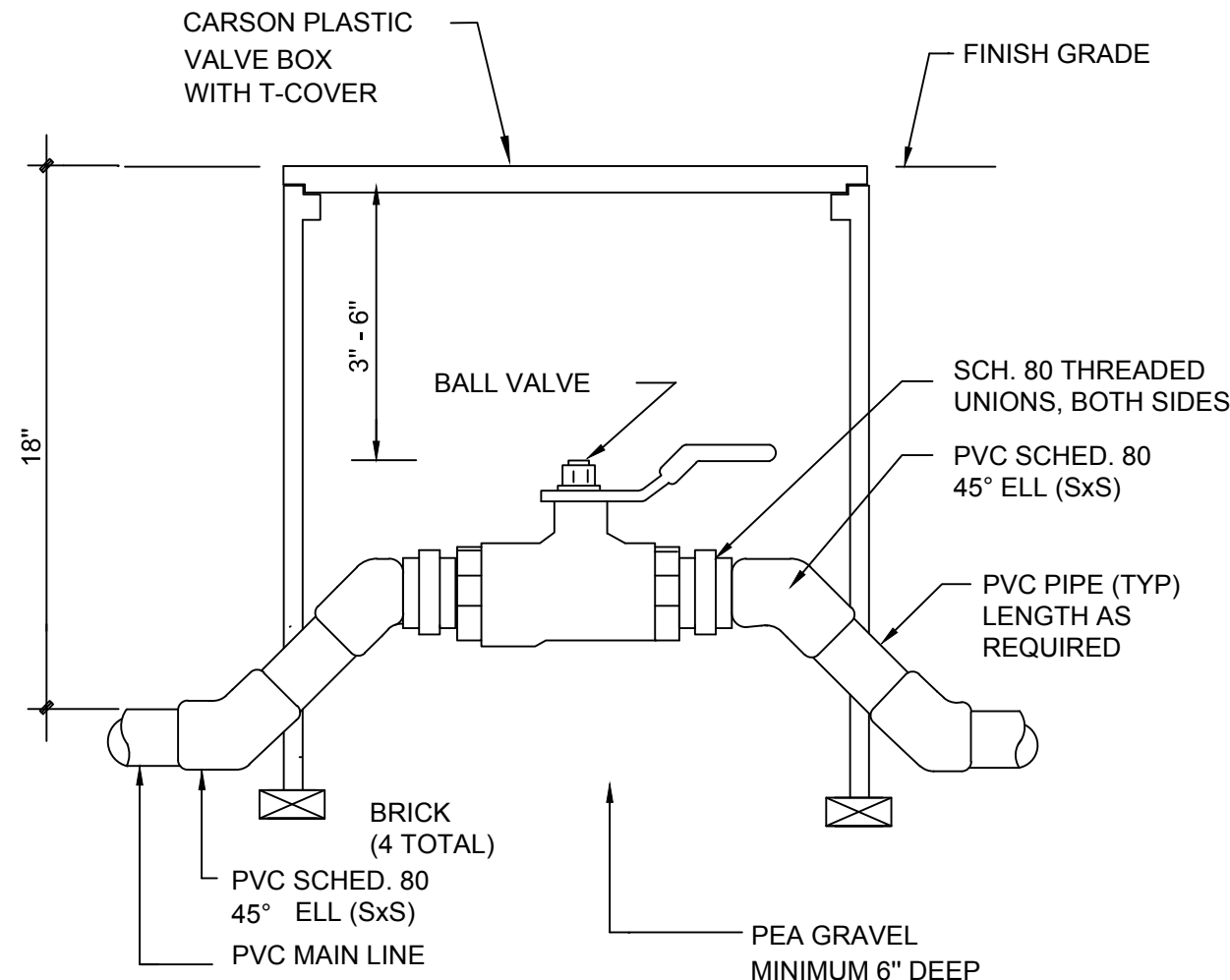
1. VALVE BOX SHALL BE INSTALLED AT GRADE UNLESS OTHERWISE SPECIFIED.
2. WHEN PLASTIC VALVES ARE USED, INSTALL AN EMS DEVICE IN THE BOX TO FACILITATE DETECTION BY A METAL DETECTOR. HOT STAMP TOP OF VALVE BOX WITH CORRESPONDING VALVE NUMBER AT CONTROLLER. ATTACH CHRISTY ID MARKER OR EQUAL TO VALVE IN BOX.
3. ONLY ONE (1) REMOTE CONTROL VALVE PER BOX - NO EXCEPTIONS.
4. MAINTAIN MIN. 1/2" CLEARANCE BETWEEN VALVE BOX AND PVC LINES.
5. PROVIDE WIRE SPLICE CONNECTIONS AT ALL SPLICES PER D8.20.
6. THREADED UNIONS TO BE SPEARS OR LASCO ONLY.
7. CONTROL WIRE SHALL BE SIZED A MINIMUM OF #14 U.L. APPROVED.
8. VALVE BOXES SHALL BE 22X33 OR JUMBO SIZE FOR VALVE SIZES 2" AND LARGER.
9. EMS DEVICE SHALL BE SCOTCHMARK BY 3M, "1234" WATER..

#### CITY OF TRACY

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| REVIEWED BY: <i>Kelham</i> | DETAIL No. <b>D 8.18.1</b> |
| CITY ENGINEER RCE 37186    | Sheet 1 of 1               |
| Res No. 2008-255 DATE:     |                            |
| Rev: Rev:                  |                            |
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#### IRRIGATION Remote Control Valve

PARKS AND STREETSCAPE STANDARD PLANS



#### NOTES:

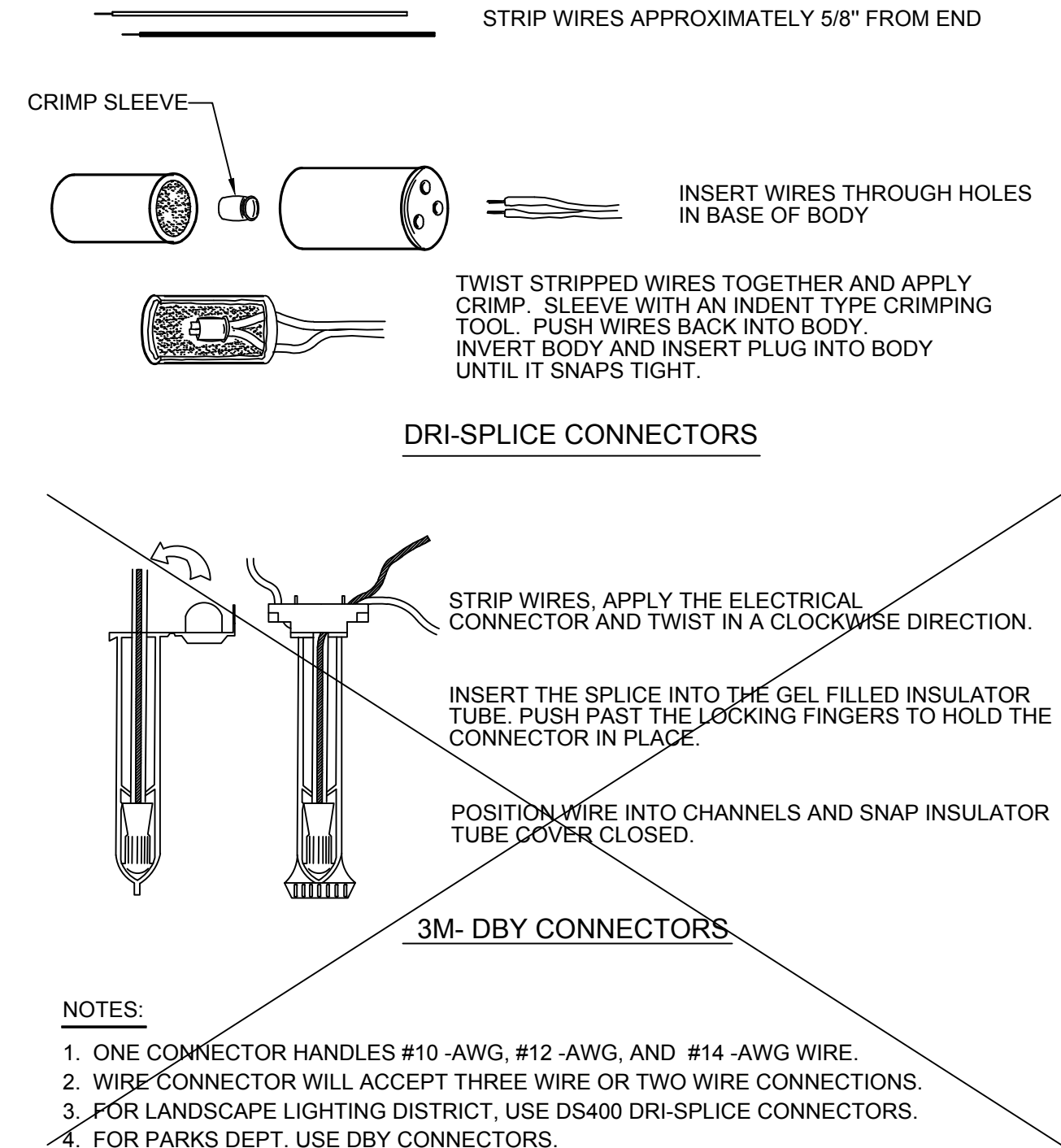
1. INSTALL BALL VALVE BEFORE EACH GROUP OF VALVES TO FACILITATE EASE OF MAINTENANCE TO VALVES.
2. INSTALL ALONG MAIN LINE FOR ISOLATION OF MAIN. USE NIBCO F-619-RW GATE VALVE FOR MAINLINES 3" & LARGER.
3. BALL VALVE SHALL BE SIZE OF MAINLINE UNLESS NOTED.
4. BALL VALVE SHALL BE BRASS FULL PORT.
5. VALVE BOXES SHALL BE 1419 MODEL FOR 1 1/2" OR SMALLER AND SHALL HAVE T-COVER LIDS, USE 1324 MODEL FOR 2" VALVES.
6. ROTATE VALVE SO THAT HANDLE IS 90° OFF MAINLINE
7. FITTINGS SHALL BE SPEARS OR LASCO ONLY.
8. VALVE BOX LID TO FIT WITH VALVE IN OFF POSITION

#### CITY OF TRACY

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| REVIEWED BY: <i>Kelham</i> | DETAIL No. <b>D 8.14</b> |
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#### IRRIGATION Ball Valve

PARKS AND STREETSCAPE STANDARD PLANS



#### NOTES:

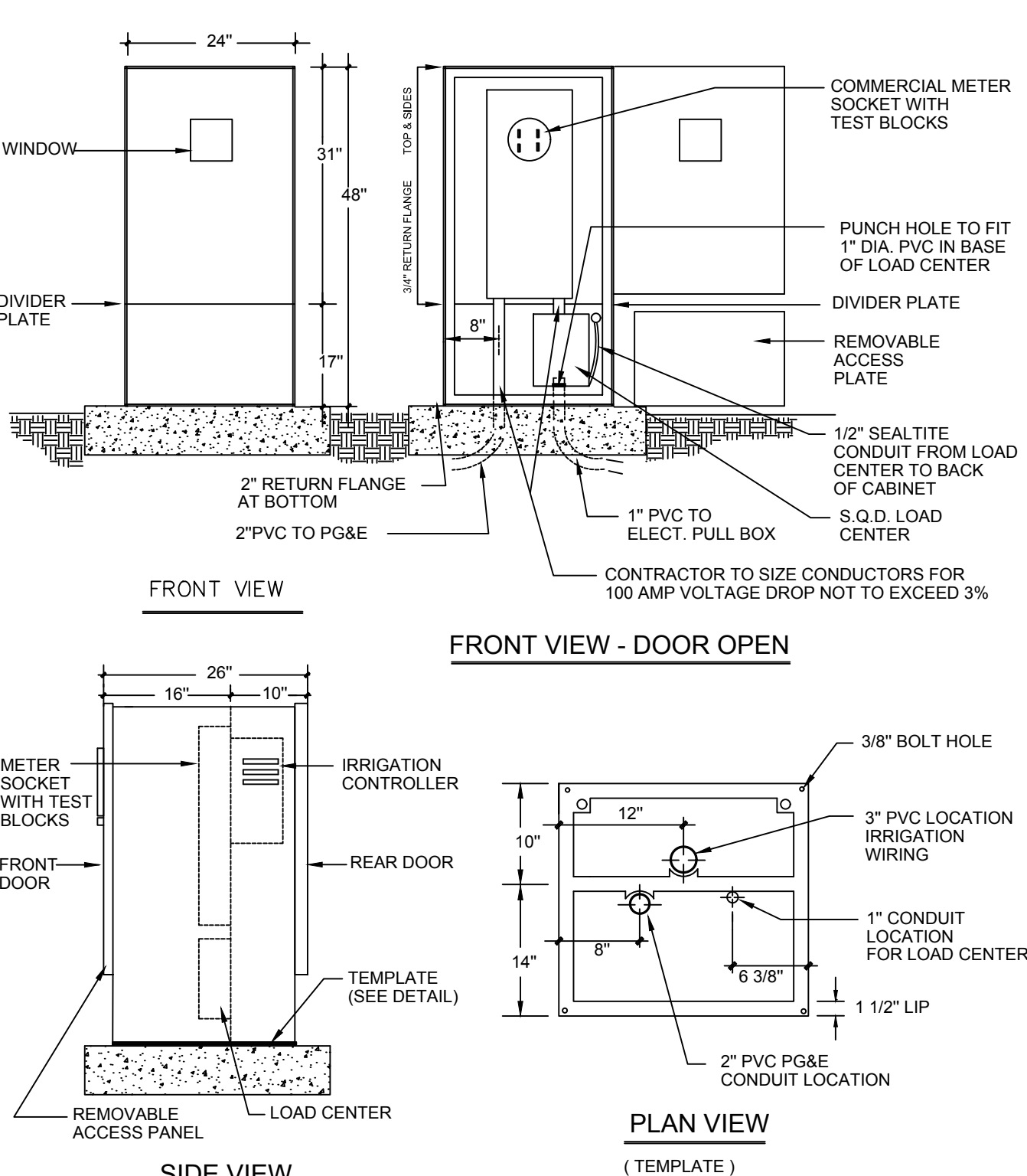
1. ONE CONNECTOR HANDLES #10-AWG, #12-AWG, AND #14-AWG WIRE.
2. WIRE CONNECTOR WILL ACCEPT THREE WIRE OR TWO WIRE CONNECTIONS.
3. FOR LANDSCAPE LIGHTING DISTRICT, USE DS400 DRI-SPLICE CONNECTORS.
4. FOR PARKS DEPT. USE DBY CONNECTORS.

#### CITY OF TRACY

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| REVIEWED BY: <i>Kelham</i> | DETAIL No. <b>D 8.20</b> |
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#### IRRIGATION Wire Connector

PARKS AND STREETSCAPE STANDARD PLANS



#### PLAN VIEW (TEMPLATE)

#### CITY OF TRACY

|                            |                          |
|----------------------------|--------------------------|
| REVIEWED BY: <i>Kelham</i> | DETAIL No. <b>D 8.21</b> |
| CITY ENGINEER RCE 37186    | Sheet 3 of 4             |
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| Rev: Rev:                  |                          |

#### IRRIGATION Controller Enclosure

PARKS AND STREETSCAPE STANDARD PLANS

- MOTOROLA IRRINET-ACE INCLUDES:**
- \* 16, 32, 48 OR 64 STATION CONTROLLER
  - \* UHF CDM750 RADIO KIT
  - \* UHF MILLENNIUM LO-PRO ANTENNA
  - \* 8 STATION/2 INPUT VALVE SWITCHBOARDS
  - \* NORTHERN TECHNOLOGIES TCS-HW SURGE PROTECTOR
  - \* ASSEMBLY, TEST AND TERMINATE
  - \* 8" COPPER CLAD GROUNDING ROD
  - \* LAPTOP COMPUTER OR PDA FOR PROGRAMMING
  - \* MAY OR MAY NOT REQUIRE HUB FOR SATELLITE COMMUNICATIONS
- MOTOROLA IRRINET-M INCLUDES:**
- \* 12, 24, 36, OR 48 STATION CONTROLLER
  - \* UHF CDM750 RADIO KIT
  - \* UHF MILLENNIUM LO-PRO ANTENNA
  - \* 8 STATION/2 INPUT VALVE SWITCHBOARDS
  - \* NORTHERN TECHNOLOGIES TCS-HW SURGE PROTECTOR
  - \* ASSEMBLY, TEST AND TERMINATE
  - \* 8" COPPER CLAD GROUNDING ROD
  - \* LAPTOP COMPUTER OR PDA FOR PROGRAMMING
- MOTOROLA IRRINET SATELLITE (PRE-2008) INCLUDES:**
- \* IT-XX-RT-S24P-AHT-X
  - \* MODULAR KEYBOARD / DISPLAY TERMINAL
  - \* UHF RADIO FOR SCORPIO UNITS
  - \* MILLENNIUM DISK STYLE ANTENNA (ONE FOR EACH RADIO)
  - \* HAND HELD RADIOS
- MOTOROLA SCORPIO SATELLITE (PRE-2008) INCLUDES:**
- \* 8 STATION REMOTE SX-08-RX-S24M-AHT-X
  - \* 16 STATION REMOTE SX-16-RX-S24M-AHT-X
  - \* MILLENNIUM DISK STYLE ANTENNA
  - \* NORTHERN TECHNOLOGIES TCS-HW SURGE PROTECTOR
  - \* ASSEMBLY, TEST AND TERMINATE
  - \* 8" COPPER CLAD GROUNDING ROD
- NOTES**
1. PULL PERMIT FROM BUILDING DEPARTMENT FOR ELECTRICAL WORK.
  2. VERIFY CONTROLLER OPTIONS WITH CITY

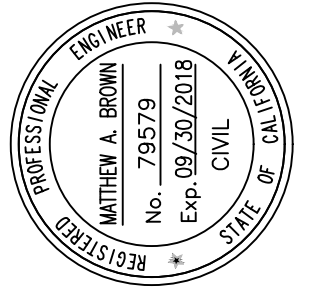
#### CITY OF TRACY

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| REVIEWED BY: <i>Kelham</i> | DETAIL No. <b>D 8.21</b> |
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#### IRRIGATION Controller Components

PARKS AND STREETSCAPE STANDARD PLANS

CITY OF TRACY



PLANTING &  
IRRIGATION DETAILS

| REVISIONS | DATE | DESCRIPTION | APPROVED |
|-----------|------|-------------|----------|
|           |      |             |          |
|           |      |             |          |
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|           |      |             |          |

|              |             |
|--------------|-------------|
| DESIGNED BY: | CHECKED BY: |
| LC           | LC          |
| DRAWN BY:    | MAB         |
| SCALE:       | 1" = 30'    |

FIRE TRAINING APPARATUS  
AT NEI RESERVOIR  
1390 S. CHRISTIAN ROAD, TRACY, CA 95304

C.I.P. No. 71109

SHEET

LI 3

OF 9 SHEETS

20% PLANSET  
NOT FOR CONSTRUCTION

RESOLUTION 2018-\_\_\_\_\_

**APPROVE A NEW CAPITAL IMPROVEMENT PROJECT (CIP) FOR A FIRE DEPARTMENT TRAINING TOWER SITE WITH A NOT TO EXCEED AMOUNT BUDGET OF \$450,000; ACCEPT FUNDING FROM TRACY RURAL FIRE PROTECTION DISTRICT FOR \$200,000 AND APPROPRIATE \$250,000 FROM RESERVES IN THE INTERNAL SERVICE-EQUIPMENT (605) FOR SITE IMPROVEMENTS AT NEI RESERVOIR**

WHEREAS, The project involves the grading, fencing and site work associated with the improvements on the NEI Reservoir site to allow for the installation of a Fire Training Tower, and

WHEREAS, The project currently fulfills the obligations to terms of a FEMA funded grant awarded to the Fire Department in the amount of \$262,000, and

WHEREAS, City staff had explored site options to find the most appropriate site for this facility, and

WHEREAS, On January 8, 2019, the Tracy Rural Fire District Board of Directors approved funding in the amount of \$200,000 toward the total shared cost of developing the site, and

NOW, THEREFORE, BE IT RESOLVEDAS FOLLOWS:

That the City Council hereby approves a new capital improvement project (CIP) for a Fire Department training tower site with a budget not to exceed \$450,000 accept the funding from Tracy Rural Fire District for \$200,000; and appropriate \$250,000 from the Internal Service-Equipment fund (605)

\* \* \* \* \*

The foregoing Resolution 2019-\_\_\_\_\_ was adopted by the Tracy City Council on the 5<sup>th</sup> day of February, 2019 by the following vote:

|          |                  |
|----------|------------------|
| AYES:    | COUNCIL MEMBERS: |
| NOES:    | COUNCIL MEMBERS: |
| ABSENT:  | COUNCIL MEMBERS: |
| ABSTAIN: | COUNCIL MEMBERS: |

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

February 5, 2019

AGENDA ITEM 1.K

REQUEST

**RECEIVE AND APPROVE A REQUEST FROM THE GRAND FOUNDATION TO INCREASE DISCOUNTS FROM TEN PERCENT TO FIFTEEN PERCENT FOR GRAND FOUNDATION MEMBERSHIP LEVELS OF \$1,000 AND GREATER**

EXECUTIVE SUMMARY

The Grand Foundation is a community-based, independent not-for-profit organization, formerly the Arts Leadership Alliance (ALA). The original ALA was founded in 1998 to promote the cultural development of the community. Its activities, on behalf of the City, include, but are not limited to, developing and implementing programs which foster the broadest possible public use of the Center and cooperating with the City of Tracy in promoting the public's use of all of the City's cultural arts programs at the Grand Theatre Center for the Arts. The City Council recognizes the Grand Foundation as the working partner with the City to raise and administer funds for the Grand Theatre Center for the Arts.

Currently, the City of Tracy and the Grand Foundation have a Memorandum of Understanding (MOU) extending to October 1, 2027 with periodic reviews every two years. Although the Membership Program is included in the MOU agreement, the discounted percentages are not specifically mentioned but will require City Council approval to increase discounts extended by the City of Tracy.

DISCUSSION

As part of their MOU agreement with the City of Tracy, the Grand Foundation will run and maintain a robust Membership Program for the Grand to foster ongoing relations with the community, engender community ownership, cultivate donors, create feedback channels, and provide a positive public image for the Grand. Membership allows one to make a minimal annual donation of support and receive tiered benefits, offered by both the Grand Foundation and the City. The membership should encompass families, local businesses, and higher-level members, ultimately building a vast network of continual supporters.

In an effort to increase memberships and provide incentives for higher level members, the Grand Foundation is requesting City Council approval to increase the current discount from ten percent to fifteen percent for \$1,000 and greater Grand Foundation Members. The Grand Foundation Membership levels currently range from \$50-\$2,000.

Currently Grand Foundation members who have a \$100 level membership or greater, receive a ten percent discount off of Season Tickets (each level has a limited amount of discounted tickets per performance) and class registrations. Members at the \$250 level and greater also receive an additional benefit of a ten percent discount on art sales.

There are currently ninety-seven Grand Foundation Memberships. Two of the Grand Foundation Memberships are at the \$1,000 level or higher. When the City of Tracy extends a discount to members for tickets, classes or art work, the City of Tracy incurs the discounted revenue. Grand Foundation Membership fees are 100% retained by the Grand Foundation.

#### STRATEGIC PLAN

This agenda item is a routine operational item and is not related to the City Council's Strategic Plans.

#### FISCAL IMPACT

The impact of the increased discounted percentage of an additional five percent for Grand Foundation members over \$1,000 will vary based on the number of memberships and benefits purchased. This will reduce Grand Theatre Center for the Arts revenue by five percent in the areas of Theatre Presentations, Arts Education and Art Galleries when used by Grand Foundation members.

#### RECOMMENDATION

That City Council, by resolution, approve the Grand Foundation's request to increase discounts from ten percent to fifteen percent for Grand Foundation Membership levels \$1,000 and greater.

Prepared by: Kim Scarlata, Division Manager II

Reviewed by: Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

#### ATTACHMENT

Attachment A – Sample of Current Grand Foundation Membership Levels and Discounted Performance Ticket Revenue



### Current Grand Foundation Membership Levels



| Donation Level                             | \$50 | \$100 | \$250 | \$500 | \$1000 |
|--------------------------------------------|------|-------|-------|-------|--------|
| Grand Supporter                            |      |       |       |       |        |
| Grand Contributor                          |      |       |       |       |        |
| Grand Affiliate                            |      |       |       |       |        |
| Grand Patron Circle                        |      |       |       |       |        |
| Grand Seat Patron                          |      |       |       |       |        |
| Membership Card                            | •    | •     | •     | •     | •      |
| Season Brochure                            | •    | •     | •     | •     | •      |
| Season Preview Event                       | •    | •     | •     | •     | •      |
| Advanced Season Purchase Opportunities     | •    | •     | •     | •     | •      |
| Grand Theatre Treat Vouchers               | 2    | 4     | 4     | 6     | 6      |
| Grand Theatre Beverage Vouchers            | N/A  | N/A   | 4     | 6     | 6      |
| 5% off Season Tickets*                     | 2    | N/A   | N/A   | N/A   | N/A    |
| 10% off Season Tickets*                    |      | 4     | 4     | 6     | 6      |
| 10% off Class Registration                 |      | •     | •     | •     | •      |
| 10% off Art Purchases                      |      |       | •     | •     | •      |
| VIP Event Invitations                      |      |       | •     | •     | •      |
| Recognition on Grand Foundation Donor List |      |       | •     | •     | •      |
| Two Tickets to a Select Performance        |      |       |       | •     | •      |
| Invitation to Patron Receptions            |      |       |       | •     | •      |

### Examples of Performance, Class Fee and Gallery Discounts:

#### Discounted 15% Grand Membership Performance Tickets

| Membership Level | Ticket Price | 15% Discount | Number of Tickets | Total |
|------------------|--------------|--------------|-------------------|-------|
| \$1,000          | \$100        | \$15/ticket  | 8 (\$120)         | \$680 |

#### Discounted 15% Grand Membership Class Fee

| Membership Level | Class Fee | 15% Discount | Total Class Fee |
|------------------|-----------|--------------|-----------------|
| \$1,000          | \$50      | \$7.50       | \$42.50         |

#### Discounted 15% Gallery Purchase

| Membership Level | Art Purchase | 15% Discount | Purchase Price |
|------------------|--------------|--------------|----------------|
| \$1,000          | \$300        | \$45.00      | \$255          |

RESOLUTION 2019-

APPROVING THE REQUEST FROM THE GRAND FOUNDATION TO INCREASE  
DISCOUNTS FROM TEN PERCENT TO FIFTEEN PERCENT FOR GRAND FOUNDATION  
MEMBERSHIP LEVELS OF \$1,000 AND GREATER

WHEREAS, The City has a Memorandum of Understanding with the Grand Foundation,  
and

WHEREAS, One of the goals of the Grand Foundation is to increase memberships and  
provide incentives for their members, and

WHEREAS, The Grand Foundation is requesting an increased discount for their  
memberships of \$1,000 and greater from ten percent to fifteen percent;

NOW, THEREFORE, BE IT RESOLVED, That City Council hereby approves the new  
Grand Foundation Membership discount of fifteen percent for membership levels of \$1,000 and  
greater.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was passed and adopted by the Tracy City  
Council on the 5th day of February, 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.L

REQUEST

**ESTABLISH A CAPITAL IMPROVEMENT PROJECT FOR THE CONSTRUCTION OF NEW SIDEWALK ALONG TRACY BOULEVARD WITH A NOT TO EXCEED BUDGET OF \$724,581, AUTHORIZE AN APPROPRIATION OF \$66,000 FROM GENERAL FUND CAPITAL FUND (F301) FOR THE CITY'S MATCH OF THE NEW PROJECT, AND APPROVE THE COOPERATIVE AGREEMENT WITH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS FOR THE CITY OF TRACY TO RECEIVE A REIMBURSEMENT OF \$658,581 FOR PROJECT DESIGN, AND CONSTRUCTION MANAGEMENT**

EXECUTIVE SUMMARY

Staff is requesting that the City Council authorize the establishment of a new Capital Improvement Project (CIP) for sidewalk improvements along Tracy Boulevard (Project). The projected total project costs is \$724,581. The City's costs share is \$66,000. Staff recommends appropriating the funds from General Fund Capital Fund reserves (F301) for the proposed project. The City will receive \$658,581 in County Measure K funds through a Cooperative Agreement between the City of Tracy and the San Joaquin Council of Governments (SJCOG). Staff further requests that Council approve the cooperative agreement with SJCOG in order to the City to receive the Measure K funds.

DISCUSSION

Tracy Boulevard is an existing four lane arterial with frontage improvements and a landscaped median. A segment of the road north and south of Gandy Dancer Drive does not have sidewalk on the site. The proposed improvements include construction of Portland Cement Concrete sidewalk on the east side of the street to conform with existing sidewalks. This Project will close the missing sidewalk gap to the ACE Train Station parking lot immediately south of the project area.

The Project was eligible to receive Measure K funds and staff applied for the grant and SJCOG, acting as the Local Transportation Authority, authorized issuance of Measure K funds from Smart Growth Incentive Program to the City of Tracy in the amount of \$658,581 toward the estimated costs of construction and construction management.

In order for the City to receive reimbursement payment over the course of design and construction of this project, a cooperative agreement between the SJCOG and the City of Tracy needs to be executed. The City Council's approval is needed prior to executing this agreement.

FISCAL IMPACT

This project is funded primarily from Measure K, with a City required match that will be appropriated from General Fund Capital (F301). The funding splits are shown in the table below:



| <b>Funding Source</b>              | <b>Amount Requested</b> |
|------------------------------------|-------------------------|
| <b>Measure K</b>                   | <b>\$658,581</b>        |
| <b>General Fund Capital (F301)</b> | <b>\$66,000</b>         |
| <b>Total:</b>                      | <b>\$724,581</b>        |

**RECOMMENDATION**

That City Council, by resolution, authorize the establishment of a new Capital Improvement Project for Tracy Boulevard sidewalk with a not to exceed budget of \$724,581, appropriate funds from the General Fund Capital (F301) in the amount of \$66,000 for the City's match, and approve the Cooperative Agreement under the Measure K program between the SJCOG and the City of Tracy for reimbursements of \$658,581 for the Tracy Boulevard Sidewalk Construction Project.

Prepared by: Zabih Zaca, PE, Senior Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

**ATTACHMENTS**

Attachment A – Cooperative Agreement between SJCOG and the City of Tracy

**MEASURE K RENEWAL  
COOPERATIVE AGREEMENT (C-19-018)  
FOR  
TRACY BOULEVARD SIDEWALK**

This Cooperative Agreement (“Agreement”) is made and entered into this 1st day of December, 2018 by and between the CITY OF TRACY (“Sponsor”) and the SAN JOAQUIN COUNCIL OF GOVERNMENTS acting as the Local Transportation Authority (“Authority”). Sponsor and Authority may each be referred to herein as “Party” or collectively as “Parties.”

**RECITALS**

WHEREAS, Authority and Sponsor desire to enter into a Cooperative Agreement for funding of transportation improvements in San Joaquin County pursuant to the authority provided by San Joaquin County Local Transportation Improvement Plan and Ordinance (“LTIP”), which was approved by the voters of San Joaquin County on November 7, 2006; and

WHEREAS, Sponsor desires to receive funding from the Authority for the particular transportation improvement project specified herein (“Project”); and

WHEREAS, the Project is eligible for funds (as specified in the Measure K Renewal Strategic Plan) within the **SMART GROWTH INCENTIVE PROGRAM** funding category of the LTIP; and

WHEREAS, the Authority is authorized under the LTIP to issue Measure K Renewal funds to Sponsor in an amount up to \$658,581; and

WHEREAS, Authority shall issue reimbursement payments as provided in Section 2.1 to Sponsor pursuant to a request for reimbursement submitted by the Sponsor; however, the Sponsor understands that in no event shall reimbursement payments, when aggregated with previously approved reimbursement requests, exceed the Measure K Renewal commitment set forth in the Project Cooperative Agreement of \$658,581 or 90.00%, whichever is less of the total project costs as listed in Exhibit “A”; and

WHEREAS, any difference in cost which results in less than \$658,581 of Measure K Renewal funds being spent on the Project shall be retained by the Authority for reallocation to any other eligible project; and

WHEREAS, after the Right-of Way acquisition, any unused property shall be disposed, and revenue generated from the sale of such property in excess of associated expenses will be considered cost savings; and

WHEREAS, Sponsor agrees to abide by the terms and conditions of the Authority as set forth herein for the receipt of Measure K Renewal funds; and

WHEREAS, Authority agrees to provide funding for the transportation improvements of the Sponsor's Project according to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived therefrom, the parties hereto represent, covenant and agree as follows:

## **AGREEMENT**

### **SECTION I** **Covenants of Sponsor**

1.1. Project Application. The Project description, scope of work, delivery schedule, corridor-specific cost by activity, anticipated amount and type of funds that will supplement Measure K Renewal funds, and the anticipated timing for release of Measure K Renewal funds and the Measure K Renewal "not to exceed" amount are specified in Exhibit "A," and incorporated herein by this reference.

1.2. Change In Project Scope. A change in the Project scope as described in Exhibit "A" may not be implemented until it has been approved by the Authority. In no event will a change of scope result in the Authority reimbursing more than \$658,581.

1.3. Eligible Reimbursement Costs. Eligible reimbursement costs shall be as specified in Exhibit "A" or as may be approved from time to time by the Authority pursuant to Section 1.2. In no event shall expenses incurred prior to the execution of this Agreement be considered eligible reimbursement costs.

1.4. Utility Relocation. It is understood that utility relocation are not part of the eligible reimbursement costs of the Agreement.

1.5. Measure K Renewal Percentage Share Defined. For this Project, the estimated Measure K Renewal share of eligible reimbursements shall not exceed the lesser of \$658,581 or 90.00% of the total project costs listed in Exhibit "A".

1.6. Invoices and Progress Reports. Starting one month after the execution of this contract, Sponsor shall provide quarterly progress reports and may provide invoices as often as monthly for activities conducted over the prior unbilled month(s). These documents shall include the following specified information:

1.6.a. Copies of Consultant Invoices. Sponsor shall provide the Authority with one (1) copy of all invoices submitted to Sponsor by every consultant, subconsultant, contractor, or subcontractor performing work related to the Project.

1.6.b. Progress Reports. The quarterly progress reports shall include a brief description of the status of the Project, the work completed to date, including any issues that may impact Project schedule. This summary may be included on the invoices submitted to the Authority or be attached to those invoices.

1.7. Use of Funds. Sponsor shall use Measure K Renewal funds consistent with the Project scope of work, as described in Exhibit “A” or approved by the Authority pursuant to Section 1.2.

1.8. Submittal of Bid Documents. All consultant contracts entered into pursuant to this capital funding agreement shall follow a competitive bidding process or give justification for using a sole source in a manner substantially similar to that described in the San Joaquin Council of Governments Financial Management & Accounting Processing Manual. When the contract is awarded, Sponsor shall provide to the Authority one (1) copy of the bid tabulation, and the bid schedule of the successful bidder, complete with unit prices and total award amount. All awarded contracts shall include performance bonds, labor and material bonds, a provision for liquidated damages, and may include any other penalty clauses for nonperformance of the contract. Sponsor shall provide copies to the Authority of all other executed contracts which relate to the Project scope, as described in Exhibit “A” or approved by the Authority pursuant to Section 1.2. Sponsor shall retain records pertaining to the Project for a four (4) year period following completion of the Project.

1.8.a Communication to Authority. Upon inquiry, Sponsor shall communicate, verbal or written, to Authority or its representatives with Project documents, invoices and progress reports, at any time of Project activities consistent to the provisions specified in Section I (1.6), (1.7), (1.8), and Section II (2.2).

1.9. Completion of Project. Sponsor shall be responsible for the timely completion of the construction of the Project and provide management of consultant and contractor activities, including responsibility for schedule, budget and oversight of the services, consistent with the scope of work. Since Sponsor is responsible for project management and oversight, any and all costs which exceed \$658,581 of the total eligible costs set forth in Exhibit “A” shall be the sole responsibility of Sponsor. This provision shall apply in all instances including situations where a change in scope has been approved by the Authority pursuant to Section 1.2.

1.9.a. Letter of Project Completion. Sponsor shall provide a letter of project completion which includes final cost, revenues, schedule of activities, etc. This letter shall accompany the final invoice for payment from the sponsor to provide notice of project account closing by Authority.

1.10. Public Outreach. Sponsor shall be responsible for the development and administration of a public outreach effort to ensure public awareness and involvement in the project development and project delivery in construction. Sponsor shall include the Authority staff in the distribution list of all draft and final copy of the public outreach plan and materials of the public outreach activities. Sponsor shall provide the Authority timely email and postal distribution of all public outreach materials including but not limited to public meeting notices, postcards, and other meeting information. The public outreach plan shall identify the Authority in the list of interested stakeholders or project partners. The public outreach plan shall accompany in the first invoice for payment from the Sponsor. All other public outreach materials, meeting summary, and attendance list shall accompany in the invoice for the billing period which the public outreach was performed.

1.11. Project Development Costs Savings and Excess Costs In the event the actual Project cost exceeds the estimate shown in Exhibit “A,” this amount will be considered an excess cost. Sponsor is solely responsible for all costs over the amount identified in Section 1.5.

1.11.a. Definition of Cost Savings. After the Project Right-of Way Acquisition has been accepted by the Sponsor as complete, any positive difference between the total Project cost, as listed in Exhibit “A” or approved by the Authority pursuant to Section 1.2, and the total amount invoiced to the Authority may be used for the Construction Phase.

1.11.b. Excess Costs. In the event the actual Project cost exceeds the estimate shown in Exhibit “A,” this amount will be considered an excess cost. Sponsor is solely responsible for all costs over the amount identified in Section 1.5.

1.11.d. Excess Right-of-Way. In the event that property acquired for the project is not fully utilized, Sponsor is solely responsible to dispose of the unused property consistent with State law and the Sponsor’s adopted procedures for disposal of surplus lands. Revenue generated from the sale of such property in excess of associated expenses will be considered Project cost savings and returned to the Authority no later than the acceptance of the construction phase of this project by the Sponsor.

1.12. Errors and Omissions. Sponsor shall diligently monitor and manage all aspects of the Project and shall aggressively pursue any and all remedies, including full restitution and damages from any consultant, contractor, or sub-contractor and their insured and sureties suspected of any acts errors, or omissions committed during business activities that economically damage the project.

1.13. Provision of Signs. Sponsor shall install signs approved by the Authority consistent with the specifications set forth in Exhibit “B” of this Agreement, attached hereto and incorporated herein by this reference. Signs shall be posted at both ends of the project boundaries so as to be visible to motorists traveling in either direction.

## SECTION II Covenants of Authority

2.1. Reimbursement Payments. The Authority shall make reimbursement payments to Sponsor for all eligible Project costs. To receive monthly reimbursement payments for work completed on the Project, Sponsor shall comply with the following reimbursement procedures:

2.1.a. Deadline to Submit Reimbursement Requests. All invoices and progress reports shall be submitted to Authority on or before 5:00 p.m. on the tenth (10th) calendar day of the month in which the Sponsor requests reimbursement payments. Authority shall issue reimbursement payments to Sponsor on or before the last day of the month for all timely submittals.

2.1.b. Late Submittals. If Sponsor fails to submit documents to Authority as set forth in Section 2.1.a, above, then Authority shall provide reimbursement payments for late submittals in the following calendar month.

2.1.c. Ineligible Costs. The Authority reserves the right to adjust current or future reimbursement payments to Sponsor if an invoice includes ineligible costs.

2.1.d. Reimbursement Amount. The amount of reimbursement payments to Sponsor shall be equivalent to the Measure K Renewal percentage share for each invoice submitted to the Authority. The total reimbursement percentage share for this Project shall not exceed the lesser of \$658,581 and the available Measure K Renewal funds per fiscal year as specified in Exhibit "A".

2.1.e. Suspension of Reimbursement. Reimbursement payments for the item(s) in question shall be suspended when a dispute arises as to whether or not the cost item(s) is eligible for reimbursement.

2.1.e.(1) Meeting. Once a dispute has occurred, the Authority shall arrange a meeting between the Authority and the Sponsor's staff to discuss and attempt to resolve the dispute. If the invoice was received on or before 5:00 p.m. on the 10th day of the month, the meeting shall be held no later than the 20th day of the same month. If the invoice was received after this date and time, then the meeting shall be held no later than the 20th day of the following month.

2.1.e.(2) Technical Advisory Committee. If an agreement cannot be reached at the meeting, then the Sponsor or the Authority shall have the option to take the dispute to the Authority's Technical Advisory Committee, with the understanding that by doing so the reimbursement for the disputed cost item(s) will be delayed until a resolution of the matter is reached.

2.1.e.(3) Board Decision. If the Sponsor or the Authority disagrees with the resolution by the Technical Advisory Committee then the dispute shall be submitted to the San Joaquin Council of Governments Board for resolution. If the Board determines that the disputed cost item(s) is ineligible, the Authority shall not provide reimbursement payment to the Sponsor for the disputed item(s). If the Board determines that the disputed cost item(s) is eligible, then the Authority shall provide reimbursement payment to the Sponsor for the disputed cost.

2.1.e.(4) Reservation of Rights. By utilizing the above procedures, the Sponsor does not surrender any rights to pursue available legal remedies if the Sponsor disagrees with the Board decision.

2.1.f. Acceptance of Work Does Not Result In Waiver. Reimbursement payments do not result in a waiver of the right of the Authority to require fulfillment of all terms of this Agreement.

2.2. Right to Conduct Audit. The Authority shall have the right to conduct an audit of all Sponsor's records pertaining to the Project at any time during the four (4) year period after completion of the Project.

### SECTION III Mutual Covenants

3.1. Term. This Agreement shall remain in effect until discharged or terminated as provided in Section 3.2 or Section 3.14.

3.2. Discharge. This Agreement shall be subject to discharge as follows:

3.2.a. Breach of Obligation. If a Party believes that the other is in breach of this agreement, that Party shall provide written notice to the breaching Party and the written notice shall identify the nature of the breach. The breaching Party shall have thirty (30) days from the date of notice to initiate steps to cure any breach that is reasonably capable of being cured. If the breaching Party diligently pursues cure, such Party shall be allowed a reasonable time to cure, not to exceed sixty (60) days from the date of the initial notice, unless a further extension is granted by the non-breaching Party. If the non-breaching Party is not satisfied that there has been a cure by the end of the time for cure, the non-breaching Party may seek available legal remedies.

3.2.b. Termination by Mutual Consent. This Agreement may be terminated at any time by mutual consent of the Parties.

3.2.c. Discharge Upon Completion of Project. Except as to any rights or obligations which survive discharge as specified in Section 3.13, this Agreement shall be discharged, and the Parties shall have no further obligation to each other, upon completion of the Project as certified by the Authority.

3.3. Indemnity. It is mutually understood and agreed, relative to the reciprocal indemnification of Authority and Sponsor:

3.3.a. That neither Authority, nor any officer or employee thereof, shall be responsible for, and Sponsor shall fully defend, indemnify and hold harmless Authority against any damage or liability occurring by reason of anything done or omitted to be done by Sponsor under the Agreement. It is also fully understood and agreed that, pursuant to Government Code Section 895.4, Sponsor shall fully defend, indemnify and hold the Authority harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Sponsor under this Agreement or in connection with any work, authority, or jurisdiction delegated to Sponsor under this Agreement.

3.3.b. That neither Sponsor nor any officer or employee thereof, shall be responsible for, and Authority shall fully defend, indemnify and hold harmless Sponsor against, any damage or liability occurring by reason of anything done or omitted to be done by Authority under or in connection with any work, authority or jurisdiction delegated to Authority under the Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, Authority shall fully defend, indemnify and hold the

Sponsor harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Authority under this Agreement or in connection with any work, authority, or jurisdiction delegated to Authority under this Agreement.

3.4. Notices. Any notice which may be required under this Agreement shall be in writing and shall be given by personal service, or by certified or registered mail, return receipt requested, to the addresses set forth below:

TO AUTHORITY:

Andrew T. Chesley  
Executive Director  
San Joaquin County Transportation Authority  
555 E. Weber Avenue  
Stockton, CA 95202

TO SPONSOR:

Randall Bradley  
City Manager  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

Either Party may change its address by giving notice of such change to the other Party in the manner provided in this Section 3.4. All notices and other communications shall be deemed communicated as of actual receipt or after the second business day after deposit in the United States mail.

3.5. Additional Acts and Documents. Each Party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of the Agreement.

3.6. Integration. This Agreement represents the entire Agreement of the Parties with respect to the subject matter hereof. No representations, warranties, inducements or oral agreements have been made by any of the Parties except as expressly set forth herein, or in other contemporaneous written agreements.

3.7. Amendment. This Agreement may not be changed, modified or rescinded except in writing, signed by all Parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

3.8. Independent Agency. Sponsor renders its services under this Agreement as an independent agency and the Authority is also an independent agency under the Agreement. None of the Sponsor's agents or employees shall be agents or employees of the Authority and none of the Authorities' agents or employees shall be agents or employees of Sponsor.

3.9. Assignment. The Agreement may not be assigned, transferred, hypothecated, or pledged by any Party without the express written consent of the other Party.

3.10. Binding on Successors. This Agreement shall be binding upon the successor(s), assignee(s) or transferee(s) of the Authority or as the case may be. This provision shall not be



construed as an authorization to assign, transfer, hypothecate or pledge this Agreement other than as provided above.

3.11. Severability. Should any part of this Agreement be determined to be unenforceable, invalid, or beyond the authority of either Party to enter into or carry out, such determination shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the Parties.

3.12. Counterparts. This Agreement may be executed in one or more counterparts and shall become effective when one or more counterparts have been signed by all of the Parties; each counterpart shall be deemed an original but all counterparts shall constitute a single document.

3.13. Survival. The following provisions in this Agreement shall survive discharge:

3.13.a. Sponsor. As to Sponsor, the following sections shall survive discharge: Section 1.6 (obligation to apply funds to Project), Section 1.7 (obligation to provide copies and retain records), Section 1.8 (obligation to continue to manage Project).

3.13.b. Authority. As to Authority, the following section shall survive discharge: Section 2.2 (right to conduct audit).

3.13.c. Both Parties. As to both Parties, the following sections shall survive discharge: Section 3.2.a. (obligation which survives termination), and Section 3.3 (mutual indemnities).

3.14. Limitation. All obligations of Authority under the terms of this Agreement are expressly contingent upon the Authority's continued authorization to collect and expend the sales tax proceeds provided by Measure K Renewal. If for any reason the Authority's right or ability to collect or expend such sales tax proceeds is terminated or suspended in whole or part so that it materially affects the Authority's ability to fund the project, the Authority shall promptly notify Sponsor, and the Parties shall consult on a course of action. If, after twenty-five (25) working days, a course of action is not agreed upon by the Parties, this Agreement shall be deemed terminated by mutual or joint consent. Any future obligation to fund this project or any other project or projects of Sponsor, not already specifically covered by separate Agreement, shall arise only upon execution of a new Agreement.

3.15. Attorneys' Fees. Should any litigation commence between the Parties concerning the rights and duties of any Party pursuant to, related to, or arising from, this Agreement, the prevailing Party in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for its attorneys' fees and costs of such litigation, or in a separate action brought for that purpose.

3.16. Time. Time is and shall be of the essence of this Agreement and each and all of its provisions in which performance is a factor.

3.17. Remedies Cumulative. No remedy or election of remedies provided for in this Agreement shall be deemed exclusive, but shall be cumulative with all other remedies at law or in equity. Each remedy shall be construed to give the fullest effect allowed by law.

3.18. Applicable Law. This Agreement shall be governed by, and construed and enforced in accordance with the laws of the State of California.

3.19. Captions. The captions in this Agreement are for convenience only and are not a part of this Agreement. The captions do not in any way limit or amplify the provisions of this Agreement and shall not affect the Project or interpretation of any of its provisions.

3.20. No Continuing Waiver. The waiver by any Party of any breach of any of the provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same, or of any other provision of this Agreement.

3.21. No Rights in Third Parties. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any third party, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third party to any Party to this Agreement, nor shall any provision of this Agreement give any third party any right of subrogation or action over or against any Party to this Agreement.

3.22. Signatory's Warranty. Each Party warrants to each other that he or she is fully authorized and competent to enter into this Agreement in the capacity indicated by his or her signature and agrees to be bound by this Agreement as of the day and year first mentioned above upon the execution of this Agreement by each other Party.

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement on the day and year first written above.

CITY OF TRACY

SAN JOAQUIN COUNTY  
TRANSPORTATION AUTHORITY

By:\_\_\_\_\_

RANDALL BRADLEY  
City Manager

By:\_\_\_\_\_

ROBERT RICKMAN  
Chair

ATTEST:

ATTEST:

By:\_\_\_\_\_

ADRIANNE RICHARDSON  
City Clerk

By:\_\_\_\_\_

ANDREW T. CHESLEY  
Executive Director

APPROVED AS TO FORM:

By:\_\_\_\_\_

THOMAS WATSON  
City Attorney

By:\_\_\_\_\_

STEVE DIAL  
Deputy Executive Director/CFO

## EXHIBIT A

### City of Tracy Tracy Boulevard Sidewalk

#### 1. Project Name, Location:

Tracy Boulevard Sidewalk, Tracy, CA

(See Attached Project Vicinity Map)

#### 2. Project Sponsor, Contact Person, Phone Number:

City of Tracy  
Zabih Zaca, Senior Civil Engineer  
209-831-6452  
Zabih.zaca@cityoftracy.org

#### 3. Project Scope of Work:

Tracy Boulevard exists as a 4-lane arterial with frontage improvements and landscaped median. A segment of the road north and south of Gandy Dancer Drive does not have sidewalk on the east side. The proposed improvements include construction of Portland Cement Concrete (PCC) sidewalk on the east side of the street to close the gap of missing sidewalk. This will closing the missing sidewalk gap to the ACE Train Station parking lot immediately south of the project.

Eligible expenditures for this cooperative agreement include environmental, design, acquisitions of right-of-way, construction, and construction management. In no event shall expenses incurred prior to the execution of this Agreement be considered eligible reimbursement costs.

#### 4. Expected Time of Delivery of Overall Project:

|                                   | <u>Start Date</u> | <u>Completion Date</u> |
|-----------------------------------|-------------------|------------------------|
| Preliminary Design/ Environmental | 12/01/2018        | 01/30/2019             |
| Final Design                      | 02/01/2019        | 04/30/2019             |
| Right of Way Acquisition          | 02/01/2019        | 06/30/2019             |
| Construction                      | 07/01/2019        | 12/31/2019             |

## Exhibit A

### 5. Estimated Project Cost (as applicable for each of the phases described above):

|                                   | <u>Measure K Amount</u> | <u>Total Cost</u> |
|-----------------------------------|-------------------------|-------------------|
| Preliminary Design/ Environmental | \$31,500                | \$35,000          |
| Final Design                      | \$111,600               | \$124,000         |
| Right of Way Acquisition          | \$199,238               | \$221,375         |
| Construction                      | \$316,243               | \$351,381         |

### 6. Expected Timing for Release of Measure K Funds by Quarter:

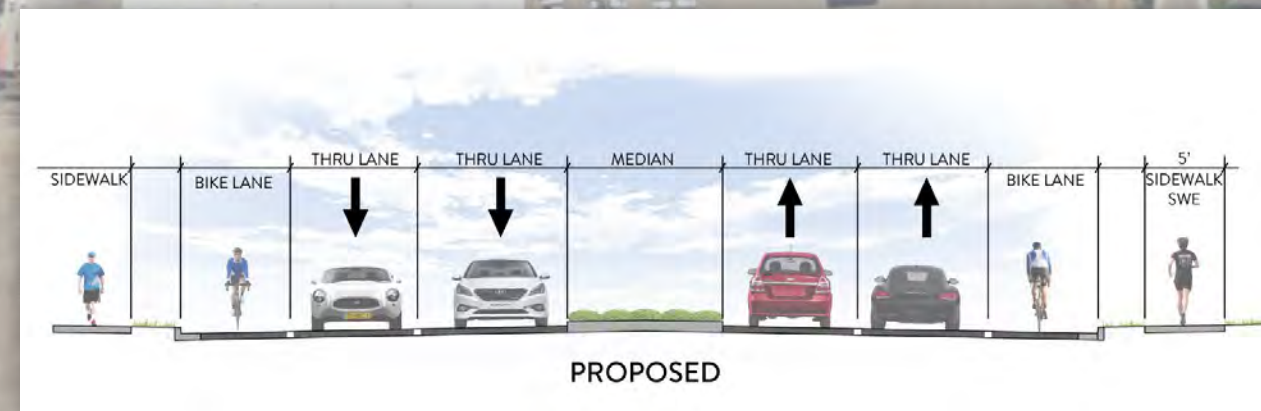
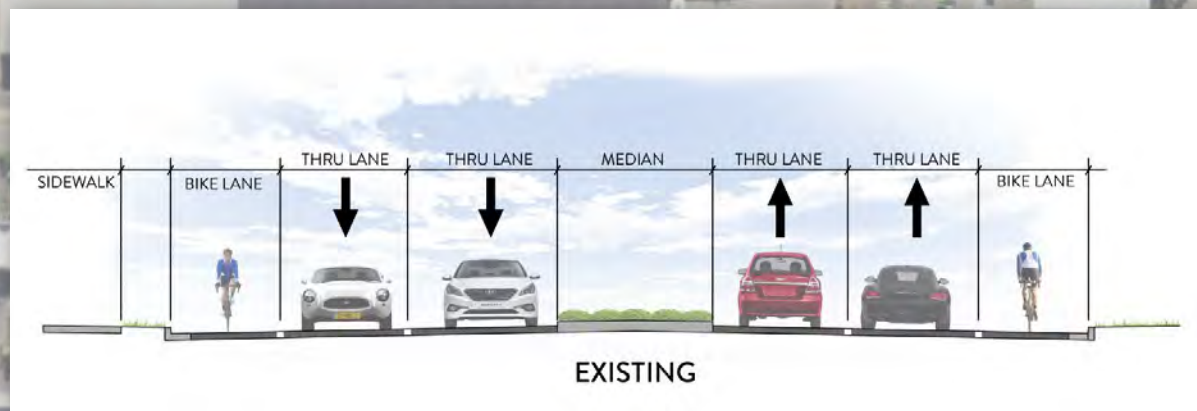
|                    | FY 18/19         | FY 19/20         | FY 20/21   |                  |
|--------------------|------------------|------------------|------------|------------------|
| July - September   | \$0              | \$166,243        | \$0        |                  |
| October - December | \$31,500         | \$150,000        | \$0        |                  |
| January - March    | \$111,600        | \$0              | \$0        |                  |
| April -June        | \$199,238        | \$0              | \$0        |                  |
| <b>TOTAL</b>       | <b>\$342,338</b> | <b>\$316,243</b> | <b>\$0</b> | <b>\$658,581</b> |

### 7. Source(s) and Amount(s) of Funds for Project

|                                          | <u>Amount</u>    | <u>Percentage</u> |
|------------------------------------------|------------------|-------------------|
| Measure K Smart Growth Incentive Program | \$658,581        | 90.00%            |
| City of Tracy funds                      | \$73,175         | 10.00%            |
| <b>TOTAL</b>                             | <b>\$731,756</b> | <b>100%</b>       |

### 8. Project Vicinity Map (see attached):





Gandy Dancer Drive

Tracy Boulevard

Sycamore Parkway

0 100 200  
Feet  
SCALE



PROJECT EXHIBIT

CITY OF TRACY  
TRACY BOULEVARD SIDEWALK

 **MARK  
THOMAS**



## Exhibit B

4 Feet

8 Feet



**SJCOG**  
**MEASURE**  
**K**  
**KEEPS US MOVING**

# Project Name

A \_\_\_\_\_ Project Cost

Funded By Measure K

*(Other Funding Sources:)*

**SJCOG Logo**

Orange Pantone #1595

Blue Pantone #2945

White background

**Measure K Logo:**

**36" x 34"**

Orange and blue lettering on white background

**Project Name**

8" Upper case black lettering

White background

Black outline

**Project Cost, Matching Funds, Partner(s):**

6" Upper case and 4" lower case black lettering

White background

Black outline

All sign features to be reflectorized (engineer-grade Scotchlite)

RESOLUTION 2019-\_\_\_\_\_

AUTHORIZING THE ESTABLISHMENT OF A CAPITAL IMPROVEMENT PROJECT FOR THE CONSTRUCTION OF NEW SIDEWALK ALONG TRACY BOULEVARD WITH A NOT TO EXCEED BUDGET OF \$724,581, AUTHORIZING AN APPROPRIATION OF \$66,000 FROM GENERAL FUND CAPITAL FUND (F301) FOR THE CITY'S MATCH OF THE NEW PROJECT, AND APPROVING A COOPERATIVE AGREEMENT WITH SAN JOAQUIN COUNCIL OF GOVERNMENTS FOR THE CITY TO RECEIVE REIMBURSEMENT OF \$658,581 FOR PROJECT DESIGN, AND CONSTRUCTION MANAGEMENT

WHEREAS, Tracy Boulevard is a four lane arterial Road with frontage improvement and a landscaped median, and

WHEREAS, Portions of the road on the east side north of ACE Station does not have sidewalk, and requires construction of a sidewalk to eliminate the missing portion, and

WHEREAS, The Project was eligible for the Measure K Fund under the Smart Growth Incentive Program, and City staff applied for Grant, and

WHEREAS, The San Joaquin County Council of Governments (SJCOG), acting as the Local Transportation Authority, is authorized to issue Measure K funds to the City of Tracy in the amount of \$658,581 toward the estimated costs of design, construction, and construction management of this project, and

WHEREAS, In order for the City to receive reimbursement payments over the course of design and construction of this project, a Cooperative Agreement between the SJCOG and the City of Tracy needs to be executed, and

NOW, THEREFORE BE IT RESOLVED, That City Council of the City of Tracy hereby:

1. Authorizes the establishment of a new Capital Improvement Project (CIP) for the Tracy Boulevard Sidewalk Project, and
2. Appropriates \$66,000 from the General Fund Capital Fund (301) reserves for this project, and
3. Approves a Cooperative Agreement under the Measure K program between SJCOG and the City of Tracy for reimbursement of \$658,581 for the Tracy Boulevard Sidewalk construction.

\* \* \* \* \*



The foregoing Resolution 2019-\_\_\_\_\_ was adopted by the City Council on the 5<sup>th</sup> day of February 2019, by the following vote:

|          |                  |
|----------|------------------|
| AYES:    | COUNCIL MEMBERS: |
| NOES:    | COUNCIL MEMBERS: |
| ABSENT:  | COUNCIL MEMBERS: |
| ABSTAIN: | COUNCIL MEMBERS: |

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.M

REQUEST

**APPROVE A MAINTENANCE AGREEMENT WITH THE COUNTY OF SAN JOAQUIN AND THE CITY OF TRACY REGARDING THE MAINTENANCE OF A PROPOSED FUTURE RETENTION POND NEAR THE LAMMERS ROAD AND SCHULTE ROAD INTERSECTION, CIP 72068**

EXECUTIVE SUMMARY

The City is anticipating installing new traffic signals at the intersection of Lammers Road and Schulte Road, along with widening the street, proposed in CIP 72068. This will impact the drainage flow along the roadway. The City is proposing to construct a future retention pond to mitigate this problem near the intersection. The County requires that the City execute an agreement to take responsibility for maintaining the retention pond.

DISCUSSION

The intersection of Lammers Road and Schulte Road is scheduled to have a permanent traffic signal. The project was designed to accommodate additional lanes which require street widening. In order to accommodate the street drainage, a future retention pond is proposed to be constructed at the southwest side of the intersection, adjacent to the segment to be widened as part of the future improvements. The proposed site of the retention pond is outside of City limits and in the County. Since this pond is proposed to accommodate the City-initiated street widening, the County is requesting that the City take responsibility of the site maintenance by entering into a maintenance agreement. The location and approximate dimension of the retention pond is shown in the Exhibit A to the Maintenance Agreement. Staff will return to the City Council with construction documents related to the proposed improvements in CIP 72068.

STRATEGIC PLAN

This item is not related to Council's Strategic Plans. However, it provides a clear understanding of the maintenance and financial responsibility of the new infrastructure.

FISCAL IMPACT

The maintenance agreement has a projected cost to maintain the retention pond of \$5,300 yearly and will be included into Public Works Maintenance Budget for FY 2019-20 and yearly thereafter. Staff will return to the City Council with a future item on the construction of the site improvements for CIP 72068.

RECOMMENDATION

That City Council, by resolution, approve a maintenance agreement with the County of San Joaquin for maintenance of the proposed retention pond at the intersection of Lammers Road and Schulte Road, CIP 72068.

Prepared by: Zabih Zaca, PE, Senior Civil Engineer  
Anju Pillai, PE, Associate Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director  
Don Scholl, Public Works Director  
Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

ATTACHMENTS

Attachment A – Maintenance Agreement between San Joaquin County and City of Tracy

AGREEMENT BETWEEN SAN JOAQUIN COUNTY AND THE CITY OF  
TRACY REGARDING CONSTRUCTION OF A RETENTION POND NEAR  
THE LAMMERS ROAD AND SCHULTE ROAD INTERSECTION

THIS AGREEMENT is made and entered into on \_\_\_\_\_, 2019 by and between the City of Tracy, a municipal corporation of the State of California, hereinafter referred to as "CITY" and the County of San Joaquin, a political subdivision of the State of California, hereinafter referred to as "COUNTY".

WITNESSETH:

WHEREAS, The CITY intends to construct certain improvements including traffic signals and road widening at the intersection of Lammers Road and Schulte Road ("PROJECT"; CIP 72068); and

WHEREAS, Said construction will impact the storm drainage onto private property within the COUNTY; and

WHEREAS, The COUNTY is requiring that the CITY construct an approximately 1,000 ft. long and 14 ft. to 18 ft. wide retention pond along Lammers Road on a portion of a COUNTY-owned easement (APN: 209-240-04) to address excess drainage caused by the PROJECT;

WHEREAS, This Agreement sets forth the CITY and COUNTY's obligations regarding the construction and maintenance of said retention pond.

NOW, THEREFORE, be it mutually agreed by and between CITY and COUNTY as follows:

1. COUNTY'S Obligations:

- a. COUNTY shall record the Grant of Easement for APN 209-240-04 following the execution of this Agreement and prior to CITY commencing construction of the PROJECT.

2. CITY's Obligations:

- a. CITY shall be responsible for the construction of the retention pond, location of which is shown in the attached Exhibit A, at its sole expense and in accordance with COUNTY plans and standards.
- b. CITY shall indemnify, defend and hold harmless COUNTY, its officers, agents, and employees from any and all liability for injuries to persons or damage to property caused or resulting in any manner from CITY's construction of the retention pond pursuant to this AGREEMENT, except to the extent caused by COUNTY's sole or active negligence or willful misconduct.
- c. CITY shall be responsible for the maintenance of the retention pond following completion of the improvement.

CITY and COUNTY Execution of the foregoing AGREEMENT has been authorized by Resolution No. \_\_\_\_\_, duly passed by the City Council of the City of Tracy on \_\_\_\_\_, and authorized by Resolution No. R-14-150, duly passed by the San Joaquin County Board of Supervisors on October 14, 2014.

IN WITNESS WHEREOF, the parties hereto executed this AGREEMENT on the date first above written.

CITY OF TRACY:  
A municipal corporation of the State of  
California

COUNTY OF SAN JOAQUIN:  
A political subdivision of the State of  
California

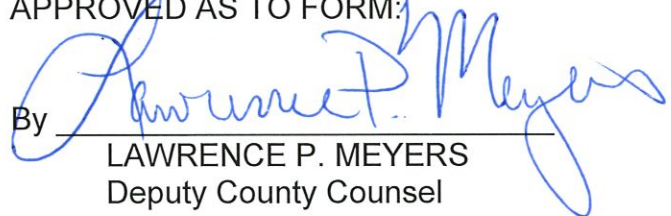
\_\_\_\_\_  
RANDALL BRADLEY  
City Manager

\_\_\_\_\_  
KRIS BALAJI, PMP, P.E.  
Director of Public Works

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk

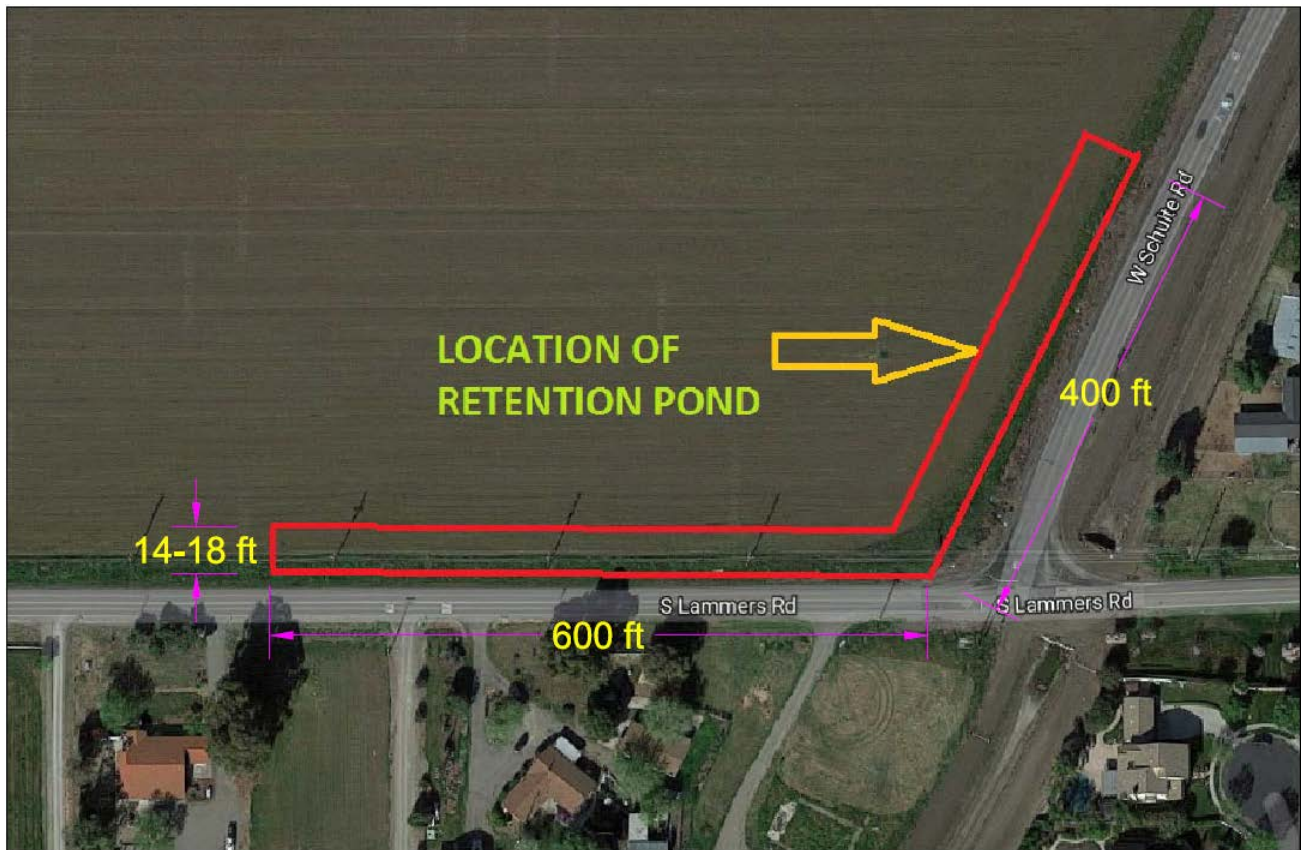
By \_\_\_\_\_  
LAWRENCE P. MEYERS  
Deputy County Counsel

APPROVED AS TO FORM:

By \_\_\_\_\_  
THOMAS T. WATSON  
City Attorney

## EXHIBIT A

### LOCATION OF PROPOSED RETENTION POND AT THE INTERSECTION OF LAMMERS RD AND SCHULTE RD



RESOLUTION 2019-\_\_\_\_\_

APPROVING A MAINTENANCE AGREEMENT WITH THE COUNTY OF SAN JOAQUIN AND  
THE CITY OF TRACY REGARDING THE MAINTENANCE OF A PROPOSED FUTURE  
RETENTION POND NEAR THE LAMMERS ROAD AND SCHULTE ROAD INTERSECTION,  
CIP 72068

WHEREAS, The City proposes to install traffic signals and widen the streets at the  
intersection of Lammers Road and Schulte Road, and

WHEREAS, Said construction will impact the drainage onto private property within the  
County, and

WHEREAS, The City proposes to construct a retention pond on the southwest side of the  
intersection to mitigate this drainage issue, and

WHEREAS, The future retention pond is proposed to accommodate the City-initiated  
street widening, therefore it is appropriate that the City takes responsibility of its maintenance,  
and

WHEREAS, The location and approximate dimension of the future retention pond is  
shown in the Exhibit A to the Maintenance Agreement;

NOW, THEREFORE, BE IT RESOLVED, That City Council of the City of Tracy  
hereby approves the agreement with the County of San Joaquin and the City of Tracy for  
regarding maintenance of the future retention pond near the Lammers Road and Schulte  
Road intersection, proposed in CIP 72068.

\* \* \* \* \*

The foregoing Resolution 2019-\_\_\_\_\_ was adopted by Tracy City Council on the 5<sup>th</sup>  
day of February, 2019, by the following vote:

|          |                  |
|----------|------------------|
| AYES:    | COUNCIL MEMBERS: |
| NOES:    | COUNCIL MEMBERS: |
| ABSENT:  | COUNCIL MEMBERS: |
| ABSTAIN: | COUNCIL MEMBERS: |

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.N

REQUEST

**APPROVE THE REPORT “GOVERNANCE REVIEW: A REVIEW OF GOVERNANCE TRANSITION AND EVALUATED OPTIONS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY” AND REAFFIRM THE RECOMMENDATION AND ACTION TAKEN ON FEBRUARY 20, 2018 TO APPROVE THE FORMATION OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY**

EXECUTIVE SUMMARY

In February 2018, the City of Tracy (City) and the Tracy Rural Fire District (District) dissolved the South County Fire Authority through a dissolution agreement and entered into a new agreement that formed the South San Joaquin County Fire Authority. Since the formation of the original fire authority, three things occurred that prompted a reevaluation and the formation of a new governance:

- The District Board was concerned that they did not have the desired authority over fire protection policies and did not participate in financial, administrative and operational policy development, and approval and implementation for fire protection programs within their District boundaries. There were some discussions about dissolving the JPA and detaching from the City.
- In 2011, the San Joaquin Local Agency Formation Commission (LAFCO) conducted a Fire Service Municipal Service Review (MSR) of the District and expressed concerns about property not detaching from the District when annexations occur. Their concerns were focused on two primary areas; 1) A loss of revenue to the County due to their inability to impose a tax sharing agreement (taking part of the ad valorem tax generated by the District) when detachment does not occur; 2) A concern that the City is not providing full municipal services to its residents
- An inability for the previous JPA to expand to include additional agencies and realize additional economies of scale.

In 2017, staff of the South County Fire Authority conducted a study to evaluate different fire governance options that would address concerns from the District Board and LAFCO and could also include additional agencies in the future. The study evaluated three primary options:

- Option 1-City of Tracy detach from the Tracy Rural Fire Protection District
- Option 2-The City of Tracy annex into the Tracy Rural Fire Protection District
- Option 3-Reconstitute and strengthen the current JPA



Staff utilized information from the study to develop a recommendation for the City and the District to approve Option 3 - Reconstitute and Strengthen the Current JPA. In February 2018, the City Council and the District Board approved the new JPA and it was successfully implemented on July 1, 2018. At the request of LAFCO's Executive Officer an updated version of the study is being provided to City Council and the District Board for acceptance approval. The study includes a status of the new JPA's implementation plan.

## DISCUSSION

Option 1 - City detach from the District. The challenge with this model was the financial impact on the City and the District. The fiscal analysis assumed the existing County and City Tax Sharing Agreement (80% County 20% City) would apply when dividing District revenues after detachment. The City's 20 percent allocation would not cover the cost of providing fire protection in the area that would detach from the District. In the first year (FY 2019/20), there would be a \$3,044,021 shortfall that would require the City to utilize general operating funds. To keep the same service levels, the City would be required to increase General Fund expenditures annually to \$8,640,314 (FY 2026/27) with a cumulative General Fund augmentation of \$50,080,296 through FY 2026/27. During the same time frame, County revenues would increase \$2,592,421 in FY 2019/20 and continue to increase to \$7,165,906 in FY 2026/27 with a cumulative increased allocation of \$40,773,395. During the same time frame, the District would lose \$51,707,830 in revenues but would no longer be required to provide fire protection in the areas that were annexed and not detached. The District's special tax (.03 cents per sq. ft.) would be discontinued within the City boundaries and would create a cumulative revenue loss of \$10,934,434 through FY 2026/27.

Option 2 - City annex into the District. The challenge with this model would be the City's willingness to give up control of fire protection and 63% (\$13.8 Million of \$22 Million) of their property taxes. Under the JPA, the City Council continues to have significant authority over fiscal resources and service level determinations for fire protection within the core city that remains outside of the District. The model would also increase City property taxes (.03 per sq. ft.) without requiring a vote of the tax payers.

Option 3 - Reconstitute and strengthen the current JPA. This model was chosen and implemented based on the following considerations:

- The model only requires the approval of the two governing bodies (and the Secretary of State).
- The model provides the City with continued control over the City's budget and service levels in the core City areas.
- The model ensures the long term fiscal sustainability of the District.
- The model addressed the District's concern over a lack of authority over financial and administrative policies that impact fire protection within their jurisdiction.
- The model protects fire protection revenues from being reallocated from the District to the County.

- The model is reversible. At a later date, the Council could decide to operate a municipal fire department and the District could return to providing services as a Fire District.
- The JPA Board will have the authority to negotiate fire protection impacts with developers. This can be done through the City, but having an independent fire agency at the table always benefits the local government agency.
- There will be no confusion over who is the Authority Having Jurisdiction (AHJ) for fire protection matters. Fire protection authorities have been delegated to the JPA by both member agencies.
- This model is expandable. Other agencies could join and increase efficiencies which results in lower costs to the member agencies. The Lathrop-Manteca Fire District and Mountain House Community Services District have expressed an interest in joining the newly formed JPA.
- The new JPA eliminates additional agreements and amendments that were adopted under the previous JPA. The amendments were difficult to interpret, implement and track. The Smoothing Agreement, the Pre-Paid Service Agreement (Amendments 4 and 6), and the Supplemental Services Agreement (Amendment 3) have all been eliminated and replaced with an intuitive, fair, and equitable cost allocation model.
- The model addresses many LAFCO concerns.
- The phased approach allows the new JPA to pursue additional model elements and to potentially migrate to a full fire District.

#### STRATEGIC PLAN

This agenda item relates to Council's Public Safety Strategy, Goal 3/Objective 1: Enhance Citywide Emergency Preparedness and better prepare and respond to man-made and natural disasters.

#### FISCAL IMPACT

Reestablishing and improving fire protection governance between the City of Tracy and the Tracy Rural Fire Protection District protected future fire protection revenues as indicated by the fiscal analysis contained in the report. The analysis indicates that the City and the District could lose over \$51,707,830 in the next seven years in fire protection funding if a new governance was not adopted in February 2018. The City and the District could lose additional fire protection revenues if future annexations require the City to detach from the District.

#### RECOMMENDATION

Review and approve the report "GOVERNANCE REVIEW: A REVIEW OF GOVERNANCE TRANSITION AND EVALUATED OPTIONS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY" and reaffirm the recommendation and action

taken on February 20, 2018 to approve the formation of the South San Joaquin County Fire Authority.

Prepared by: Randall Bradley, Fire Chief

Reviewed by: Karin Schnaider, Finance Director

Approved by: Midori Lichtwardt, Assistant City Manager

ATTACHMENT

Report: "GOVERNANCE REVIEW: A REVIEW OF GOVERNANCE TRANSITION AND EVALUATED OPTIONS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY"

SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY



# Governance Review

---

A Review of Governance Transition and Evaluated Options  
of the South San Joaquin County Fire Authority

**Randall Bradley**

Updated December 26, 2018

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## **EXECUTIVE SUMMARY**

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Staff utilized information from the study to develop a recommendation for the City and the District to approve Option 3 - Reconstitute and Strengthen the Current JPA. In February 2018, the City Council and the District Board approved the new JPA and it was successfully implemented on July 1, 2018. At the request of LAFCO's Executive

Officer an updated version of the study is being provided to City Council and the District Board for acceptance and approval. The study includes a status of the new JPA's implementation plan.

Option 1 - City detach from the District. The challenge with this model was the financial impact on the City and the District. The fiscal analysis assumed the existing County and City Tax Sharing Agreement (80% County 20% City) would apply when dividing District revenues after detachment. The City's 20 percent allocation would not cover the cost of providing fire protection in the area that would detach from the District. In the first year (FY 2019/20), there would be a \$3,044,021 shortfall that would require the City to utilize general operating funds. To keep the same service levels, the City would be required to increase General Fund expenditures annually to \$8,640,314 (FY 2026/27) with a cumulative General Fund augmentation of \$50,080,296 through FY 2026/27. During the same time frame, County revenues would increase \$2,592,421 in FY 2019/20 and continue to increase to \$7,165,906 in FY 2026/27 with a cumulative increased allocation of \$40,773,395. During the same time frame, the District would lose \$51,707,830 in revenues but would no longer be required to provide fire protection in the areas that were annexed and not detached. The District's special tax (.03 cents per sq. ft.) would be discontinued within the City boundaries and would create a cumulative revenue loss of \$10,934,434 through FY 2026/27.

Option 2 - City annex into the District. The challenge with this model would be the City's willingness to give up control of fire protection and 63% (\$13.8 Million of \$22 Million) of their property taxes. Under the JPA, the City Council continues to have significant authority over fiscal resources and service level determinations for fire protection within the core city that remains outside of the District. The model would also increase City property taxes (.03 per sq. ft.) without requiring a vote of the tax payers.

Option 3 - Reconstitute and strengthen the current JPA. This model was chosen and implemented based on the following considerations:

- The model only requires the approval of the two governing bodies (and the Secretary of State).
- The model provides the City with continued control over the City's budget and service levels in the core City areas.
- The model ensures the long term fiscal sustainability of the District.
- The model addressed the District's concern over a lack of authority over financial and administrative policies that impact fire protection within their jurisdiction.
- The model protects fire protection revenues from being reallocated from the District to the County.



- The model is reversible. At a later date, the Council could decide to operate a municipal fire department and the District could return to providing services as a Fire District.
- The JPA Board will have the authority to negotiate fire protection impacts with developers. This can be done through the City, but having an independent fire agency at the table always benefits the local government agency.
- There will be no confusion over who is the Authority Having Jurisdiction (AHJ) for fire protection matters. Fire protection authorities have been delegated to the JPA by both member agencies.
- This model is expandable. Other agencies could join and increase efficiencies which results in lower costs to the member agencies. The Lathrop-Manteca Fire District and Mountain House Community Services District have expressed an interest in joining the newly formed JPA.
- The new JPA eliminates additional agreements and amendments that were adopted under the previous JPA. The amendments were difficult to interpret, implement, and track. The Smoothing Agreement, the Pre-Paid Service Agreement (Amendments 4 and 6), and the Supplemental Services Agreement (Amendment 3) have all been eliminated and replaced with an intuitive, fair, and equitable cost allocation model.
- The model addresses many LAFCO concerns.
- The phased approach allows the new JPA to pursue additional model elements and to potentially migrate to a full fire District.

## **BACKGROUND**

In the mid 1990's, the City of Tracy began to experience unprecedented growth and started the process of annexing properties into the city limits. As the City began to grow through annexations and the building of residential, commercial, and industrial occupancies, it became apparent that the annexation process would have a negative impact on the funding for fire protection services in the City and in the Tracy Rural Fire District. The primary impact was a requirement that the City enter into a tax sharing agreement with the County to reallocate Tracy Rural Fire District's property tax revenues to the County for non-fire protection services. This realization prompted staff from both the City and the District to evaluate the consolidation of the two agencies to preserve fire protection tax dollars and to maintain fire protection services in both jurisdictions.

## **Citizen's Advisory Committee**

In 1996, a Citizen's Advisory Committee was formed to evaluate proposals for the consolidation of the City of Tracy Fire Department and the Tracy Rural Fire Protection

District. The committee utilized the services of Shannon, Davis & Associates and David Tausig & Associates to assist the committee in evaluating the proposal and to develop a report with final recommendations. The report "Fire Service Consolidation Assessment for the City of Tracy (City) and the Tracy Rural Fire Protection District (District)" was issued in July 1997 with the following summary of the committee's conclusions:

- It is in the long term interest of the City and District to merge the two agencies into one fire protection organization.
- The most effective method for achieving the proposed consolidation is a contractual service arrangement between the City and the District which results in complete consolidation of all fire suppression, prevention, and general management forces of the two departments.
- The Fire District will experience extraordinary cost increases when the departments are combined. This will occur due to the need to establish a single wage and benefit plan. As a result, District revenues are projected to not meet the District's actual expenditures during the first three years of the combined department. This is a temporary, start-up condition that will be corrected by the fourth year when Plan C revenue is adequate to balance total cost and income. This condition should also be balanced against the fact that there will be significant permanent annual losses of revenue under the existing tax sharing policies if areas are annexed by the City, and in the future are detached from the District.
- The Fire Chiefs from the City and the District need to develop a specific implementation plan for consideration and action by the City Council and District Board.
- There should be one pay and benefit plan that equally and fairly applies to all employees once the consolidation occurs.

### **Creation of the South County Fire Authority**

Based on the Citizen's Advisory Committee's report, in 1999 the City and the District entered into a Joint Powers Agreement (JPA) that formed the South County Fire Authority (SCFA). On the same date, SCFA contracted with the City to provide fire protection services within the jurisdictional boundaries of the newly created SCFA (City and District jurisdictional boundaries). The SCFA was formed to accomplish the following goals:

- To improve fire protection services within the region through improved efficiencies by the elimination of redundant administrative and operational services.

- To limit the impact of annexations to the residents that live in the unincorporated areas.
- To maintain the District ad valorem property tax allocation increment (11% of each property tax dollar) and the special fire tax (.03 per square foot) in areas that are annexed into the City.
- To develop a regional model that could further improve efficiencies and service levels by expanding and including other fire agencies in South San Joaquin County.

These goals were partially achieved through the following administrative agreements between the City and the District:

- Future City annexations would not detach from the District.
- All employees would work for the City and redundant administrative and management staff would be eliminated through attrition which would increase efficiencies and overall service levels.
- The City would provide administrative services (Human Resources, Budget/Finance/Risk Management, and Legal) to SCFA.
- The City would fund any District financial shortfalls (with a Reimbursement Agreement) until revenues increased to sustainable funding levels through the annexation and development of land that would remain in the District.
- The City's City Manager would serve as the Chief Executive Officer of the JPA.

The SCFA governance was created with an initial limited scope, power, and authority. Two Tracy City Council Members and two District Board Members made up the SCFA Board of Directors. The role of the SCFA Board was limited due to the belief that the City was in a better position to provide services to the residents and property owners that were in the newly created agency and that the District lacked the resources to provide oversight to the new, larger organization. The SCFA Board was only required to meet once a year (it chose to meet quarterly), the new agency was prohibited from having employees and could not own property.

Since the formation of the SCFA three things have occurred that have prompted a reevaluation of SCFA's current governance (JPA): 1) Tracy Rural Fire District's concern about Governance; 2) Concerns identified by the San Joaquin Local Agency Formation Commission's (LAFCO) 2011 Municipal Service Review (MSR); and 3) SCFA's inability to expand to include additional agencies to obtain improved service levels through greater efficiencies. This was realized through the recent decision by Mountain House to withdraw from contracting with SCFA.

### **TRACY RURAL FIRE DISTRICT GOVERNANCE CONCERNS (Driver 1)**

The primary driver for evaluating and implementing a new fire governance were the Fire District concerns with the previous model. These concerns led to the consideration of dissolving the JPA, which would result in a significant loss of tax revenues and service levels. The District Board was concerned that they did not have the desired authority over fire protection policies and did not participate in financial, administrative and operational policy development, as well as approval and implementation for fire protection programs within their District boundaries. Under the previous model, the District's Board authority was limited to budget approval and budget allocations for capital expenditures and maintenance of facilities within their District. Policy development, collective bargaining, personnel management, risk management, selection of a Fire Chief, and service level determinations were the responsibility of the City. The Chief Executive Officer for the JPA was the Tracy City Manager. This in turn impacted the District Board's ability to fulfill their fiduciary responsibilities to their constituents as elected officials of the District.

These concerns were further exacerbated by an early recognition that the District would not initially have the financial resources to maintain current service levels under the JPA. This was primarily due to the increase in personnel costs to the District based on District employees becoming City employees with greater pay and benefits. The JPA included a provision that allowed the City to partially fund the District deficit until annexations (without detachment) occurred to the level that allowed the District to maintain service levels and to begin repaying the accrued debt to the City. Initially, based on assumed growth and annexation expectations it was estimated that the revenue deficit would last approximately 18 months. Due to the passing of a limited growth initiative and a downturn in the housing market, the District's revenue deficit lasted nine years and the debt to the City grew from \$500,000 to in excess of \$6 million.

Another District concern was the previous cost allocation model. There have been six amendments to the JPA and the allocations have been blended with debt repayment and adding an additional fire company utilizing overtime (Supplemental Services Amendment). While the District agreed to each of the amendments as they were presented, the six amendments in their totality became convoluted and confusing and subject to discussion and debate.

### **LAFCO GOVERNANCE CONCERNS (Driver 2)**

The second driver for governance evaluation was the San Joaquin Local Agency Formation Commission's (LAFCO) governance concerns. In 2011, LAFCO conducted a Fire Service Municipal Service Review (MSR) of the District and expressed concerns about property not detaching from the District when annexations occur. Their concerns

were focused on two primary areas:

- 1) A loss of revenue to the County due to their inability to impose a tax sharing agreement (taking part of the ad valorem tax generated by TRFD) when detachment does not occur.
- 2) A concern that the City is not providing full municipal services to its residents.

The City and the District were given until April 2013 (18 months from October 2011) to: *“Complete a plan regarding the governance model for Tracy City Fire Department and TRFD within 18 months subject to the approval of LAFCO. All subsequent annexation requests shall be consistent with the approved plan.”*

### **Fire Service Governance Oversight Committee**

To address LAFCO concerns, in January 2013 the Fire Department established a Fire Service Governance Oversight Committee that was tasked with evaluating different governance models. This committee was tasked with making a recommendation to both governing agencies (Tracy City Council and the Tracy Rural Fire District Board of Directors) and to LAFCO. The committee ultimately recommended that the current JPA be strengthened with a commitment to transition to a full standalone fire agency by:

- 1) The City of Tracy annexing into the Tracy Rural Fire District or,
- 2) Further strengthening the JPA by creating a standalone agency with employees and operational and administrative oversight by the JPA Board.

This recommendation and the two choices were presented to LAFCO in July 2013 in the form of a report. No action was taken by LAFCO during the July meeting but the Executive Officer of LAFCO provided the following concerns to the Commission:

- Only focused on the alternatives selected by the committee.
- Needed to include a discussion of the alternatives which were rejected and for what reasons.
- A fiscal analysis as to the impact on the County needs to be conducted.
- The alternative that includes a traditional detachment from the District needs to be explored.
- A “move to full autonomy” is not possible under a Joint Powers Agreement.
- Report needs to explore the legal basis and process to relinquish fire service by the City and the financial feasibility of such action.
- Need to address the precedent this may set for other fire districts.

At the August 2013 LAFCO meeting, the Commissioners debated on whether to accept the report and consider the LAFCO request met, or reject the report and provide the

City and District another six months to address the concerns listed by the Executive Officer. On a split vote, and contrary to the Administrative Officer's recommendation for the City to detach from the District in future annexations, the Commission provided an additional six months for the City/District to address the concerns listed above. (Two Commissioners voted to accept the report, an action if adopted, would have resolved the issue).

### **Management Partners Report**

In response to LAFCO's request, the City issued a Request for Proposals (RFP) for a consultant to help address LAFCO's concerns. The contract was awarded to Management Partners. Management Partners conducted a study that focused primarily on the financial implications of three governance scenarios: 1) No change; 2) Annexation with Detachment; 3) Annexation of the City of Tracy into the Tracy Rural Fire District. A synopsis of these scenarios is outlined below.

**Scenario 1:** No change, annexation without detachment. This represents the current condition where all 12 areas annexed by the City since 1996 have been annexed by the City but not detached from the District. The report states there would be no financial implications for members of SCFA.

The report identified Governance concerns that were similar to the concerns that LAFCO identified in the 2011 Municipal Service Review that was the nexus for the Management Partners Report: 1) JPA's are normally between two government agencies without overlapping boundaries for the common delivery of that service; 2) LAFCO "favors the provisions of services by a municipality over a single-service-district;" 3) Residents and property owners within the non-detached properties still have two separately-elected bodies accountable for and responsible for the delivery of fire protection services whose elected officials, in turn, make appointments to the SCFA Board of Directors.

**Scenario 2:** Annexation with detachment. Based on the Management Partners assumptions, the following property tax impact is based on a 2012 property tax share agreement of 80% County and 20% City for property taxes the District currently receives and would be redistributed if the City detached from the District as identified in Table 1.

**Table 1-Annexation with detachment impact**

| <b>Agency</b> | <b>Scenario 1<br/>Current</b> | <b>Scenario 2<br/>Detachment</b> | <b>Gain/Loss</b> |
|---------------|-------------------------------|----------------------------------|------------------|
| County        | \$1,927,890                   | \$2,706,256                      | \$778,367        |
| City          | \$580,838                     | \$788,652                        | \$207,814        |
| District      | \$986,181                     | 0                                | -\$986,181       |

Source: Management Partners Report

The Management Partner's report states that the governance concerns listed above would be addressed because there would no longer be an overlap and City residents and property owners would no longer be allowed to vote for or be represented by the Board of Directors of the District.

**Scenario 3:** Annexation of the City of Tracy into the Tracy Rural Fire District. The Management Partner's report provided the following financial impacts (Table 2) based on the SCFA 2013/14 budget year:

**Table 2-Annexation of the City into the District impact**

| <b>Revenue</b>    | <b>District Current</b> | <b>District Scenario 3</b> | <b>City FY13/14</b> | <b>City Scenario 3</b> |
|-------------------|-------------------------|----------------------------|---------------------|------------------------|
| General Fund      |                         |                            | \$9,052,090*        | \$7,042,090            |
| Property Tax      | \$3,745,000             | \$3,745,000                |                     |                        |
| Special Tax (.03) | \$1,007,518             | \$3,017,518                |                     | \$2,010,000            |

\*City property tax, sales tax and other revenues

The Management Partner's Report also contended that Scenario 3 would address the governance concerns that were identified by LAFCO due to the elimination of multiple political entities and a potential reconstituted Director representation that included the City of Tracy.

In July 2014, the Management Partner's report was submitted to the City Council, District's Board of Directors and LAFCO for review. A joint workshop between the City Council and the District's Board of Directors was scheduled in September to discuss the findings and the recommendations. Only two members of the District Board attended (no quorum) the workshop and the City Council voted to send the study to LAFCO without the recommendation or an implementation plan (LAFCO already had the report with the recommendations).

At the October 9, 2014 LAFCO meeting, the LAFCO Executive Officer recommended that the report be returned to the City and to set a policy that all future annexations would require detachment. This recommendation was based on the lack of a recommendation from the City and the District and a lack of a plan for implementation of a new governance model.

At the December 10, 2015 LAFCO meeting, City staff provided LAFCO with an update on the City and the District's progress towards providing the Commission with a governance recommendation and an implementation plan. LAFCO voted to provide the City and the District with additional time (six months) to address the governance concerns and to provide an implementation plan.



### **SCFA EXPANSION POTENTIAL (Driver 3)**

The third driver for the governance evaluation was to determine if a different model would be more conducive to expansion to include additional fire agencies. A year after the SCFA was formed, Mountain House Community Services District (MHCS D) contracted with the Tracy Rural Fire District to provide fire protection to the newly formed and evolving community on the eastern edge of San Joaquin County. The contract was between the two agencies through a negotiated agreement that occurred when MHCS D was being formed with an expectation that the new community would detach from the Tracy Rural Fire District (for flexibility with property taxes). The District agreed to the detachment if they were afforded the opportunity to provide fire protection to Mountain House and if they were granted title to the fire station that was built by the Mountain House developer. The agreement came to fruition after the SCFA was formed but was an independent contract with the District (SCFA or City of Tracy were not included). Because the District was then part of the SCFA, the City of Tracy actually provided the fire protection for MHCS D through the contract to provide fire protection to the SCFA. In 2015, Mountain House decided to issue a Request for Proposal (RFP) for fire protection due to the following expressed concerns:

- They were not a member of the JPA and could not influence policy.
- They were paying for more than their pro-rata share of services.
- They wanted greater control over expenditures.
- They wanted their Fire Department to reflect their community identity.

After a contentious review and selection process, the Board of the MHCS D chose French Camp Fire District (almost 20 miles to the northeast) as their new Fire Protection contractor. Not having governance that allowed for Mountain House participation on the Board, not having the organizational dexterity and not having clearly defined roles and responsibilities (City Manager, Fire Chief, Tracy Rural Board, SCFA) limited the City, District and JPA's ability to effect productive negotiations that could have maintained the Mountain House contract. Rather than having governance that is designed to grow and become more efficient, the current governance actually had the inverse effect and was a root cause for the loss of efficiencies through the loss of a key stake-holder and fire protection partner. The new governance must provide the required representation from all member agencies and have the dexterity to react and address parent agency concerns to maintain organizational sustainability.

### **ANNEXATION WITHOUT DETACHMENT AND TAX SHARING AGREEMENT**

One of the drivers for developing the original JPA was to allow City annexations to occur without detaching from the Fire District. Twelve annexations have occurred since the inception of the original JPA and all have included a non-detachment condition. The



primary driver for the City to migrate to an annexation-without-detachment model was the County's reluctance to negotiate a tax sharing agreement with a nexus for service level impacts on annexations.

The current tax sharing agreement between the City and the County allows 85 percent of the local ad valorem property tax dollars to be allocated to the County and 15 percent to be allocated to the City. Areas that are annexed into the City have estimated service level impacts of 60 percent City (city police, fire, public works) and 40 percent County (jail, hospital, probations, public works, etc.). Requiring the City to detach from the Fire District would slightly increase City ad valorem property tax revenues (the City would receive 20% of Fire District tax allocation), but would require the City to provide fire protection to the new annexed areas at a cost significantly higher than the additional revenue allocations.

Municipal annexations without detachment from Fire Districts actually create a more efficient fire protection system. The financial impact on the fire districts and the cities are positive due to the retention of the property tax dollars allocated for fire protection.

Currently, the County has entered into tax sharing agreements with most San Joaquin cities. Annexation-without-detachment has a negative financial impact on the County due to their lack of opportunity to reallocate property tax dollars from Special Fire Districts. While the County would argue that the reallocation is needed to provide County services to the increased population incurred through annexation; that argument must be weighed against the need for efficient fire protection services throughout the County, as there is no County Fire Department nor does the County provide fire protection. Annexation without detachment from Fire Districts could be used as the model to create a more efficient fire protection model in the County which should be weighed against the reallocation of tax dollars to other County services and/or unfunded liabilities. If LAFCO required the Fire District detachment from the City in order to reallocate tax dollars to the County, that practice should be applied to all cities within the County. If not, annexed areas of Tracy would pay a disproportionate share for County services. If LAFCO is looking for consistency concerning detachments, all cities should be required to detach.

There are three additional cities in San Joaquin County that do not detach from Fire Districts when annexations occur. Those same cities do not provide full municipal (fire protection) services to their cities (LAFCO MSR concerns about SCFA). The City of Escalon is protected by the Escalon Fire Protection District, the City of Ripon is protected by the Ripon Consolidated Fire District, and the City of Lathrop is protected by the Lathrop-Manteca Fire Protection District.

The reasons the three cities do not provide municipal fire services are the same reasons that the City of Tracy annexes without detachment from the Tracy Rural Fire District. Prior to Proposition 13, local taxing jurisdictions (Counties, Cities and Special Districts) annually approved a general tax rate. Proposition 13 (passed June 6, 1978) abolished local taxing jurisdiction's ability to set annual tax rates and limited the general tax rate to 1%, and required the 1% to be distributed amongst all jurisdictions that previously had authority to levy property taxes. Proposition 13 established that the State Legislature, rather than the local taxing jurisdictions, would have the power to determine how the 1% was divided. In 1979, Assembly Bill 8 (AB 8) was adopted and provided regulatory guidance for each County to allocate property taxes based on the share that each jurisdiction received the previous year. After the enactment of Proposition 13 and AB 8, a mechanism was needed to redistribute property tax allocations when annexations occurred. The Legislature added Section 99 to the Revenue and Taxation Code which requires a city, seeking to annex property, enter into a tax sharing agreement for the property taxes that are generated in the proposed annexed area.

Prior to Proposition 13 and AB 8, the City of Escalon (Incorporated in 1957) and the City of Ripon (City and Fire District Consolidated in 1963) had too small of populations prior to the enacting of Proposition 13/AB 8 to support a municipal fire protection model. Post Proposition 13/AB 8, the two cities would be required to enter into a tax sharing agreement with the County if they detached from the Fire Districts which would, in-turn, reallocate fire protection property tax revenues to the County. The second reason the cities would not create municipal fire protection services is due to the loss of efficiencies that are created by a single fire protection system providing services to a municipality and the surrounding unincorporated and rural areas. The same applies to the City of Lathrop, the key difference is the City of Lathrop incorporated post Proposition 13/AB 8. They realized early on that a detachment from the Lathrop-Manteca Fire District would be a loss in tax revenue (due to the required tax sharing agreement) in addition to being less efficient. It should also be noted that because the cities chose to remain in the Fire Districts, the cities are not providing full municipal services per LAFCO's MSR recommendation to SCFA.

In 1999, the City of Tracy and the Tracy Rural Fire District recognized that Proposition 13, AB 8 and Section 99 of the Revenue and Taxation Code's impact of annexation on fire protection to both agencies and developed a model that allowed tax dollars to remain in the communities and to operate as one agency which would optimize service levels to the residents and land owners within their respective jurisdictions.

Other cities in the County that do provide full municipal services (Lodi, Manteca and Stockton) would benefit from annexation without detachment if they provided fire

protection services to the contiguous Fire Protection Districts that are in their sphere-of-influence growth paths. French Camp-McKinley, Montezuma, Woodbridge Fire Protection Districts and even Lathrop-Manteca Fire District (surrounds the City of Manteca) could be good candidates for annexation without detachment if fire protection services were combined. While the City of Stockton does provide contractual fire protection services to several contiguous Special Fire Districts listed below, (with some exceptions) they are primarily older established, urbanized unincorporated areas of Stockton without significant growth and/or annexation potential and probably would not benefit from annexation without detachment. This is primarily due to the limited tax base, resident/property owner preference and the other services Stockton would be required to provide to established areas that lack traditional municipal services.

**Stockton Contract Fire Agencies:**

*Lincoln Fire Protection District*  
*Eastside Fire Protection District*  
*Tuxedo-County Club Fire Protection District*  
*Boggs Tract Fire Protection District*

**GOVERNANCE OPTIONS**

The following governance options were evaluated:

- Option 1-City of Tracy detach from the Tracy Rural Fire Protection District
- Option 2-The City of Tracy annex into the Tracy Rural Fire Protection District
- Option 3-Reconstitute and strengthen the current JPA

The goal was: 1) Identify and analyze governance models that would be expandable while maintaining or improving efficiencies 2) Protect the City's interest while addressing the governance concerns of the Fire District (also protecting their interest and 3) Address LAFCO's concerns. The following assumptions were utilized to develop a model to assess current and future growth revenues and expenditures under each governance option:

Future property tax revenue assumptions were based on large entitled projects and other projects that have priority under the City's Residential Growth Ordinance (Table 3). Table 4 identifies the assumptions that were used for size and price of residential units. Anticipated growth in the Northeast Industrial (NEI) and the International Park of Commerce projects were utilized to forecast industrial growth (Table 5) and known and anticipated commercial office (Table 6) and retail space (Table 7) were conservatively estimated to complete the assumptions. Table 8 identifies the assumptions that were used for price per square foot of commercial space. Future annexations of the Avenues

and Tracy Village were also included in the analysis based on an annexation with detachment and an annexation without detachment scenario. A conservative annual escalator of three percent was utilized to address economic growth. The following were the additional assumptions used to develop the model:

- The current (2012) Tax Sharing Agreement between the County and the City was used as an assumption for future annexations. The agreement includes a property tax split 80% County and 20% City for annexed areas that detach from the District. The agreement includes a property tax split of 85% for the County and 15% for the City if the annexations do not detach from the District.
- The actual property tax allocations for the City, County and District were utilized for the analysis in the twelve annexations that have occurred since the inception of the JPA.
- The Standards of Cover study that was completed in 2017 was utilized to determine the number of additional fire stations (and location) that will be required in the next six years to address growth projections.
- The Standards of Cover Implementation Plan was utilized to determine when new fire stations would be required to be built and staffed.
- The new JPA agreement that became effective on July 1, 2018 was used to determine which agency would own and staff future fire stations and the cost allocations for each agency.
- The current three year labor agreements and CalPERS anticipated cost increases were used as a basis to determine future labor costs.

**Table 3-Housing assumptions**

| <b>RESIDENTIAL</b>   | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>2024</b> | <b>2025</b> | <b>2026</b> |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Primrose             | 83          | 44          | 62          |             |             |             |             |             |
| Ellis                | 75          | 65          | 75          | 75          | 75          | 75          | 75          | 75          |
| Grantline Apartments | 210         | 40          |             |             |             |             |             |             |
| Tracy Hills          | 60          | 406         | 406         | 300         | 300         | 200         | 200         | 200         |
| Tracy Village        |             |             | 100         | 150         | 175         | 150         |             |             |
| Rockinghorse         |             |             | 36          | 50          | 50          | 50          | 50          | 50          |
| Ellissagary Infill   |             |             | 23          |             |             |             |             |             |
| Assisted Living      |             |             | 50          | 50          | 50          | 50          | 50          | 50          |
| Avenues              |             |             |             | 50          | 50          | 50          | 50          | 50          |
| Bright               |             |             |             | 18          |             |             |             |             |
| Infill               |             |             |             |             | 15          |             |             | 15          |
| Other Housing        |             |             |             |             |             |             | 150         | 150         |
| <b>Total Units</b>   | <b>428</b>  | <b>555</b>  | <b>752</b>  | <b>693</b>  | <b>715</b>  | <b>575</b>  | <b>575</b>  | <b>590</b>  |

**Table 4-Housing price and size assumptions**

| Housing Element     | Average Square Feet | Average Price |
|---------------------|---------------------|---------------|
| Single Family Homes | 2,697               | \$574,590     |
| Multi Family Homes  | 1,081               | \$112,567     |

**Table 5-Commercial assumptions-industrial (in million square feet)**

| INDUSTRIAL           | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 |
|----------------------|------|------|------|------|------|------|------|------|
| Cordes Ranch         | 2.M  | 2M   | 2M   | 2M   | 2M   | 2M   | 2M   | 2M   |
| NEI                  | 2.4M | 1.8M | 1.5M | 1.5M | .5M  |      |      |      |
| Scannell             |      | .2M  |      |      |      |      |      |      |
| <b>Total Sq. Ft.</b> | 4.4M | 4M   | 3.5M | 3.5M | 7M   | 2M   | 2M   | 2M   |

**Table 6-Commercial assumptions-retail (in thousand square feet)**

| RETAIL             | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 |
|--------------------|------|------|------|------|------|------|------|------|
| New Hotel          | 75K  | 120K | 60K  |      | 70K  |      |      |      |
| Cordes Retail      |      | 10K  | 10K  | 10K  | 10K  | 10K  | 10K  | 10k  |
| Red Maple Village  | 11K  |      | 11K  |      |      |      |      |      |
| Tracy Hills Retail |      |      |      | 5K   | 5K   | 5K   | 5K   | 5K   |
| <b>Total Sq Ft</b> | 86K  | 130K | 81K  | 15K  | 85K  | 15K  | 15K  | 15K  |

**Table 7-Commercial assumptions-office (in thousand square feet)**

| OFFICE               | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 |
|----------------------|------|------|------|------|------|------|------|------|
| Cordes Office        | 7.6k |      | 20K  | 10K  | 10K  | 10K  | 10K  | 10K  |
| NEI - CHP            |      |      | 40K  | 10K  |      |      |      |      |
| <b>Total Sq. Ft.</b> | 7.6K |      | 60K  | 20K  | 10K  | 10K  | 10K  | 10K  |

**Table 8-Commercial price per square foot assumptions**

| Commercial Element | Price Per Square Foot |
|--------------------|-----------------------|
| Retail             | \$250                 |
| Office             | \$200                 |
| Industrial         | \$125                 |

After a thorough analysis, it was determined that the best option would be to reconstitute and strengthen the current JPA (Option 3). This option was implemented on July 9, 2018. Below is an overview of the analysis of each option and the implementation process and status of the chosen option:

#### **Option 1-City of Tracy Detach from the Tracy Rural Fire Protection District**

The City could petition LAFCO to detach from the District. A process similar to an annexation would occur that would include a protest process that could potentially lead to a vote of property owners concerning detachment. If the detachment were

successful, the City would revert back to a traditional municipal fire agency and the District would revert back to a traditional Fire District. The City would gain complete control over funds collected from new development and the City would have complete control over fire protection service levels within its municipal boundaries. The District would have the same control and authorities within its jurisdictional district boundaries. The District would be required to rebuild its fire service administrative functions and hire personnel or contract for those services.

### ***Service Level Impacts (Option 1)***

Detachment would negatively impact the efficiencies that have been realized and the overall fire protection service levels in both the District and the rural community. Fire stations have been relocated to the periphery of the city to allow for adequate coverage and response times to areas within the city limits and areas outside of the city limits. Currently, the closest fire stations respond to emergencies regardless of jurisdictional boundaries, administrative staff is shared and the savings lead to specialized programs (paramedic, hazardous material response, and specialized rescue) and overall improved services.

Theoretically, the City could contract with the District to provide fire services to the District's area. Many of the District's concerns would remain. As indicated below in the financial analysis, there would be a significant reduction in revenues (for overall fire protections) and therefore additional revenues would have to be realized or there would be a service level reduction.

### ***Fiscal Impacts (Option 1):***

The fiscal analysis assumed the existing County and City Tax Sharing Agreement (80% County 20% City) would apply when dividing District revenues after detachment. The City's 20 percent allocation would not cover the cost of providing fire protection in the area that would detach from the District. In the first year (FY 2019/20), there would be a \$3,044,021 shortfall that would require the City to utilize general operating funds. To keep the same service levels, the City would be required to increase General Fund expenditures annually to \$8,640,314 (FY 2026/27) with a cumulative General Fund augmentation of \$50,080,296 through FY 2026/27. During the same time frame, County revenues would increase \$2,592,421 in FY 2019/20 and continue to increase to \$7,165,906 in FY 2026/27 with a cumulative increased allocation of \$40,773,395. During the time frame, the District would lose \$51,707,830 in revenues but would no longer be required to provide fire protection in the areas that were annexed and not detached. The District's special tax (.03 cents per sq. ft.) would be

discontinued within the City boundaries and would create a cumulative revenue loss of \$10,934,434 through FY 2026/27 (Table 9).

A representative from LAFCO has suggested that the shortfall could be reduced through the formation of one or more Community Facilities Districts (Mello Roos). This strategy would be problematic for the City. Eighty to ninety percent of the building that will occur in the City over the next 10-15 years has already been entitled under development agreements. Retrospectively negotiating and creating Community Facilities District for entitled properties with Development Agreements would be extremely difficult and not recommended.

**Table 9-Option 1-City Detach from the District**

| <b>Agency Revenue</b>       | <b>Gain/Loss<br/>In FY 2019/20</b> | <b>Gain/Loss<br/>In FY 2026/27</b> | <b>Cumulative<br/>Loss/Gain<br/>2019/20 Thru<br/>2026/27</b> |
|-----------------------------|------------------------------------|------------------------------------|--------------------------------------------------------------|
| County                      | \$2,529,421                        | \$7,165,906                        | \$40,773,395                                                 |
| City                        | \$733,007                          | \$2,873,376                        | \$15,153,052                                                 |
| District Ad Valorem         | -\$3,262,428                       | -\$10,039,282                      | -\$55,926,447                                                |
| District Special Assessment | -\$775,768                         | -\$1,733,290                       | -\$10,934,434                                                |
| City General Fund Shortfall | -\$3,044,021                       | -\$8,640,314                       | -\$50,080,296                                                |

\*District .03 per sq. ft. tax would be eliminated in the City area if the City detached from the District

### **Option 2-The City of Tracy Annex into the Tracy Rural Fire Protection District**

The City of Tracy could fully annex into the Tracy Rural Fire District. There would be one governing body that would include members from throughout the City and the District area. The expanded District could include other special districts and cities to gain additional efficiencies. There would be a dedicated revenue stream to support fire protection. There would be a single agency (governance) responsible for fire protection which would address LAFCO's concern. The City would have very limited, if any, influence over fire protection within its municipal boundaries.

The process would be for the District to petition LAFCO for inclusion of the remainder of the City into the District and the Tracy City Council would pass a resolution supporting (or opposing) the annexation. If the City Council opposed the annexation, the annexation would not move forward. As part of the application process, the District would be required to develop and submit a service plan (how they plan to provide service to the rest of the city). A CEQA study may also be required. After the application is accepted, the City, County and District would have a 60-day negotiation



period to determine how the current City property taxes would be split between the District, City and the County. The City currently receives, on the average, 12.5% of each property tax dollar to support the City's General Fund programs. The current annexation tax sharing agreement between the City and the County would not apply, because the City is being annexed, not annexing an area. If the application is accepted and the property tax agreement is reached, LAFCO would consider and approve, conditionally approve, or deny the application. If approved or conditionally approved, then a protest hearing would be held. If 25% of the registered voters in the proposed annexed area sign a petition, the annexation must go to a vote. If 50% of the registered parties within the proposed annexation area sign a petition the annexation will be denied.

Based on case law, (*Citizen's Association of Sunset Beach v. Orange County LAFCO and City of Huntington Beach*), and confirmed by the City Attorney, the current special tax assessment of .03 per square foot would apply to the newly annexed City areas without voter approval. On July 1, 2016, the City of San Bernardino chose to be annexed into the San Bernardino County Fire District. The City of San Bernardino was in bankruptcy and they were able to maintain and slightly improve fire protection services within their municipality and save between \$7-8 million annually. The savings are due to the elimination of duplicative overhead services and the overlaying of a special County Fire District tax (\$148 per parcel) to property owners of the City of San Bernardino. The City mailed a flyer to each property owner that explained the tax would be overlaid on the City property owners and outlined the appeals process (25% of property owners sign a petition). A petition was circulated but failed to gain the required 25% and the annexation was approved.

### ***Service Level Impacts (Option 2)***

If the City of Tracy annexed into the Rural Fire District, levels could remain unchanged and could become more "consistent" due to the guaranteed revenue streams. Currently, the City still prioritizes funding for each City program (Fire, Police, Parks and Public Works) based on political and public preference. Annexing into the District would remove that option for fire protection to compete for funding against other City priorities. Property tax dollars would go to the District which could lead to more "consistent" and standardized service levels.

### ***Fiscal Impacts (Option 2)***

The analysis indicates the District's special tax would generate approximately \$2,096,679 in additional taxes in the annexed area. The Management Partners Report assumed that the County and the District would agree to a property tax



sharing agreement that would allow the City to remain whole (at previous fire protection funding levels) and to allocate the additional revenue from the special tax to the County. Based on this assumption, the County would receive \$2,096,679 in revenue. The City, District and County have not negotiated a tax sharing agreement and therefore the fiscal impact is speculative.

The District's revenues would remain whole in the areas that have been annexed and not detached and therefore, based upon the fiscal analysis that is provided in Option 3, revenues would be available to support growth in Option 2 (Table 10).

**Table 10-Option 2-City Annex into the District**

| <b>Revenue</b>        | <b>2018/19 District Revenues</b> | <b>2018/19 City General Fund/New Special Tax</b> | <b>Special Tax Applied to Core City Annexation</b> | <b>District Total After Annexation</b> |
|-----------------------|----------------------------------|--------------------------------------------------|----------------------------------------------------|----------------------------------------|
| City General Fund     |                                  | \$13,802,254                                     |                                                    | \$13,802,254                           |
| District Property Tax | \$5,658,746                      |                                                  |                                                    | \$ 5,658,746                           |
| District Special Tax  | \$1,292,844                      |                                                  | \$2,096,679                                        | \$ 3,389,523                           |
| Total                 | \$6,951,591                      | \$13,802,254                                     | \$2,096,679                                        | \$22,850,523                           |

The real challenge with this model for the City of Tracy would be the increased property tax (.03 per sq. ft.) revenues in the core city that would be assessed without requiring a vote of the tax payers. San Bernardino was successful because they were in bankruptcy. If the County allowed the City to retain the additional revenues through a tax sharing agreement, there would still be a new tax, without a vote, applied to approximately 35,000 homes and businesses that are not currently in the District.

The additional challenge would be the City's willingness to give up control of fire protection and 63% (\$13.8 Million of \$22 Million) of property taxes. Under the JPA, the City Council continues to have significant authority over fiscal resources and service level determinations for fire protection within the core city that remains outside of the District.

This would assume that the County would allow all current allocated property taxes to remain in the City. Based upon current and previous tax exchange negotiated agreements with the County, it would be unlikely that the County would not require some of the taxes to be allocated to the County. The Management Partners Report assumed that the County would require the additional revenues that would be created from the special assessment (\$2,096,679) be allocated to the County.

### **Option 3-Reconstitute and Strengthen the Current JPA**

The original South County Fire Authority was created through a Joint Powers Agreement (JPA) between the District and the City that was in effect from January 1999 through June 30, 2018. The JPA was the legal mechanism used to form the South County Fire Authority (SCFA). The previous model limited the District Board's authorities and made them dependent upon the City to provide administrative and operational services to the District. The four-person Board (2 City Council Members and 2 District Board Members) met quarterly with limited agenda items to consider due to a governance limitation of the JPA agreement.

After evaluation of each model, staff determined that it would be in the best interest of the City of Tracy and the Tracy Rural Fire Protection District to recommend to the City Council and the Tracy Rural Fire Protection District Board to reconstitute and strengthen the current JPA. This recommendation was based on the following:

- The model only requires the approval of the two governing bodies (and the Secretary of State).
- The model provides the City with continued control over the City's budget and service levels in the core City areas.
- The model ensures the long term fiscal sustainability of the District.
- The model addressed the District's concern over a lack of authority over financial and administrative policies that impact fire protection within their jurisdiction.
- The model protects fire protection revenues from being reallocated from the District to the County.
- This model is reversible. At a later date, the Council could decide to operate a municipal fire department and the District could return to providing services as a Fire District.
- The JPA Board will have the authority to negotiate fire protection impacts with developers. This can be done through the City, but having an independent fire agency at the table always benefits the local government agency.
- There will be no confusion over who is the Authority Having Jurisdiction (AHJ) for fire protection matters. Fire protection authorities have been delegated to the JPA by both member agencies.
- This model is expandable. Other agencies could join and increase efficiencies which results in lower costs to the City. The Lathrop-Manteca Fire District and Mountain House Community Services District have expressed an interest in joining the newly formed JPA.

- The new JPA eliminates additional agreements and amendments that were adopted under the previous JPA. The amendments were difficult to interpret, implement and track. The Smoothing Agreement, the Pre-Paid Service Agreement (Amendment 4 and 6), and the Supplemental Services Agreement (Amendment 3) have all been eliminated and replaced with an intuitive, fair and equitable cost allocation model.
- The new JPA attempted to address LAFCO concerns.
- The phased approach allows the new JPA to pursue additional model elements or to migrate to a full fire district.

On February 20, 2018, the Tracy City Council approved the formation of the South San Joaquin County Fire Authority with an effective date of July 1, 2018 (Attachment A). At the same meeting, the Tracy City Council approved a Dissolution Agreement between the City and the District that dissolved the South County Fire Authority effective July 1, 2018 (Attachment B).

One of the primary drivers of the creation of the JPA was the strategy for the City to not detach from the District when annexations occurred. This allowed the areas that were annexed by the City to maintain the District taxing authorities at their current levels in perpetuity. The annexation without detachment creates three distinctive areas within SCFA. Figure 1 illustrates the core City area (yellow) the District area grey, and the overlapping zone that is the area of the City that has been annexed without detachment from the District (salmon).

**Legend**

**FIRE FACILITIES**

- FIRE STATION
- SUPPORT SERVICES FACILITY
- FIRE ADMINISTRATION

**CITY LIMITS**

**FIRE DISTRICTS**

- TRACY
- TRACY RURAL
- MOUNTAIN HOUSE
- NONE
- LATHROP-MANTECA
- MANTECA
- ANNEXED, NOT DETACHED

**SOUTH COUNTY FIRE AUTHORITY**

**FEBRUARY 2016**

**CITY OF TRACY**

**Scale:** 0 0.5 1 Miles

**North Arrow**

Map of this area is intended for general use and informational purposes only. The City of Tracy does not warrant the accuracy of this map. The City of Tracy is not responsible for any errors or omissions in this map. The City of Tracy is not responsible for any damages or liabilities arising from the use of this map. The City of Tracy is not responsible for any damages or liabilities arising from the use of this map.

The new JPA is a semi-autonomous agency that utilizes one of the member agencies as the “employer of record.” Because the City of Tracy was the current employer of all

SCFA personnel, the agreement is to maintain the City of Tracy as the employer of record until the new JPA is in a position to consider transitioning all employees to the new JPA. This will require a new CalPERS account, labor agreements, and personnel policies and procedures.

### ***Maintain or Improve Service Levels (Option 3)***

The new JPA allows for sustainability and potential enhancement of future service levels through potential expansion to other agencies that would create increased economies of scale. The new JPA also utilized the Standards of Cover Study that was completed by CityGate in 2017 as a basis to ensure services levels were maintained through the relocation and continued staffing of two current fire stations, and the building and staffing of two additional fire stations. Fire station funding, ownership, staffing, and timing is discussed/addressed later in this section.

### ***Fiscal Impacts (Option 3)***

Initially, after SCFA was created, the District experienced revenue shortfalls that required the City to fund a portion of their annual operating expenses that were attributed to the District. With recent growth in the undetached areas, the District is no longer operating under a structural deficit and has repaid or settled previous debts to the City.

In 2015, Susan Goodwin Consulting Group Inc. conducted a comprehensive study concerning the financial impact of growth on Tracy's public safety organizations including Fire, Police, and Public Works. The analysis was based on an annexation without detachment model that anticipated residential, commercial, and industrial growth over the next 13 years. In 2017, staff updated the analysis and scaled back the number of years to seven. The analysis was further updated in December 2018 to reflect updated growth assumptions that were identified earlier in this report. The analysis was updated utilizing the growth assumptions and the Standards of Cover Study that identified the need for additional three-person fire companies in 2021 (Station 99-Ellis project), a three-person fire company in 2023 (Station 95-Tracy Hills) and a third three-person company in 2026 (second truck company located in International Park of Commerce fire station). The analysis determined that the District will be able to fund the three additional companies while maintaining significant reserves (Table 11). The analysis indicates that the District will maintain \$2-\$6 million in reserves based upon growth projections and timing of additional companies. This estimate does not include current reserves that are in excess of \$3 million. The analysis

also showed the City's costs would actually stabilize over the seven-year period due the requirement under the JPA's cost allocation formula that the District pay a greater share of the overhead as additional companies are added in the District areas (Table 12). If the growth assumptions are not met, the District has indicated that they will only fund fire protection based on revenues that are generated by the project that requires fire protection and the initiation of additional fire companies would be delayed.

In 2017, staff updated the assumption with growth data and scaled back the term of the analysis to seven years. Another potential financial concern under the current model would be a LAFCO decision to not allow future annexations without detachment. While there would be some financial impact, the impact would be limited because annexations have already occurred for most of the growth that is anticipated over the next 13 years. There are only two future annexations that were included in the fiscal analysis of future projects that would be annexed without detaching from the District. The Avenues with 250 homes and Tracy Village with 575 homes. The impact of detaching these future residential annexations and the impact of detaching future commercial annexations are identified in Table 13. Reallocations of the projected revenues to the County and the City could delay the opening of future fire stations and impact service levels. However, future impacts outside of this seven year forecast would be significant if these and future annexations included detachment from the District.

**Table 11-Option 3-Tracy Rural Fire District Projected Annual Revenues and Expenditures**

|                                          | FY 2018 /<br>2019     | FY 2019 /<br>2020     | FY 2020 /<br>2021     | FY 2021 /<br>2022      | FY 2022 /<br>2023      | FY 2023 /<br>2024      | FY 2024 /<br>2025      | FY 2025 /<br>2026       | FY 2026 /<br>2027      |
|------------------------------------------|-----------------------|-----------------------|-----------------------|------------------------|------------------------|------------------------|------------------------|-------------------------|------------------------|
| Tax Revenue                              | \$6,951,590.00        | \$7,160,137.70        | \$7,374,941.83        | \$7,596,190.09         | \$7,824,075.79         | \$8,058,798.06         | \$8,300,562.00         | \$8,549,578.86          | \$8,806,066.23         |
| Investment Earnings                      | \$40,000.00           | \$41,200.00           | \$42,436.00           | \$43,709.08            | \$45,020.35            | \$46,370.96            | \$47,762.09            | \$49,194.95             | \$50,670.80            |
| Rental Income                            | \$33,600.00           | \$34,608.00           | \$35,646.24           | \$36,715.63            | \$37,817.10            | \$38,951.61            | \$40,120.16            | \$41,323.76             | \$42,563.47            |
| Miscellaneous Income                     | \$95,391.63           | \$98,253.38           | \$101,200.98          | \$104,237.01           | \$107,364.12           | \$110,585.04           | \$113,902.59           | \$117,319.67            | \$120,839.26           |
| <b>Total Existing Revenue</b>            | <b>\$7,120,581.63</b> | <b>\$7,334,199.08</b> | <b>\$7,554,225.05</b> | <b>\$7,780,851.80</b>  | <b>\$8,014,277.36</b>  | <b>\$8,254,705.68</b>  | <b>\$8,502,346.85</b>  | <b>\$8,757,417.25</b>   | <b>\$9,020,139.77</b>  |
| Additional Revenue Projected from Growth | \$ 1,300,914.74       | \$ 2,413,765.83       | \$ 3,564,118.33       | \$ 4,648,036.09        | \$ 5,728,737.63        | \$ 6,639,258.64        | \$ 7,586,356.33        | \$ 8,571,184.77         |                        |
| <b>Total Projected TRFD</b>              | <b>\$7,120,581.63</b> | <b>\$8,635,113.82</b> | <b>\$9,967,990.88</b> | <b>\$11,344,970.13</b> | <b>\$12,662,313.45</b> | <b>\$13,983,443.31</b> | <b>\$15,141,605.48</b> | <b>\$16,343,773.58</b>  | <b>\$17,591,324.54</b> |
| JPA Projected Operating                  | (\$5,367,543.16)      | (\$6,130,171.85)      | (\$6,314,077.01)      | (\$9,450,638.87)       | (\$12,440,854.55)      | (\$12,814,080.19)      | (\$13,198,502.59)      | (\$16,405,160.02)       | (\$16,897,314.82)      |
| Non-JPA TRFD Suppression                 | (\$166,118.80)        | (\$171,102.36)        | (\$176,235.43)        | (\$181,522.50)         | (\$186,968.17)         | (\$192,577.22)         | (\$198,354.53)         | (\$204,305.17)          | (\$210,434.33)         |
| Other TRFD Operating                     | (\$986,129.00)        | (\$750,173.66)        | (\$772,678.87)        | (\$795,859.24)         | (\$819,735.01)         | (\$844,327.06)         | (\$869,656.88)         | (\$895,746.58)          | (\$922,618.98)         |
| <b>Annual Surplus /(Deficit)</b>         | <b>\$600,790.67</b>   | <b>\$1,583,665.94</b> | <b>\$2,704,999.56</b> | <b>\$916,949.53</b>    | <b>(\$785,244.29)</b>  | <b>\$132,458.83</b>    | <b>\$875,091.48</b>    | <b>(\$1,161,438.19)</b> | <b>(\$439,043.59)</b>  |
| <b>Cumulative Surplus</b>                | <b>\$600,790.67</b>   | <b>\$2,184,456.61</b> | <b>\$4,889,456.17</b> | <b>\$5,806,405.70</b>  | <b>\$5,021,161.41</b>  | <b>\$5,153,620.25</b>  | <b>\$6,028,711.73</b>  | <b>\$4,867,273.54</b>   | <b>\$4,428,229.95</b>  |

**Table 12-Option 3-JPA Projected Annual Expenditures**

|                                        | FY 2018 /<br>2019      | FY 2019 /<br>2020      | FY 2020 /<br>2021      | FY 2021 /<br>2022      | FY 2022 /<br>2023      | FY 2023 /<br>2024      | FY 2024 /<br>2025      | FY 2025 /<br>2026      | FY 2026 /<br>2027      |
|----------------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Fire Suppression                       | \$17,509,580.00        | \$18,034,867.40        | \$18,575,913.42        | \$19,133,190.82        | \$19,707,186.55        | \$20,298,402.15        | \$20,907,354.21        | \$21,534,574.84        | \$22,180,612.08        |
| Administration                         | \$727,133.00           | \$748,946.99           | \$771,415.40           | \$794,557.86           | \$818,394.60           | \$842,946.44           | \$868,234.83           | \$894,281.87           | \$921,110.33           |
| Community Risk Reduction               | \$1,405,228.00         | \$1,447,384.84         | \$1,490,806.39         | \$1,535,530.58         | \$1,581,596.49         | \$1,629,044.39         | \$1,677,915.72         | \$1,728,253.19         | \$1,780,100.79         |
| Training                               | \$408,956.00           | \$421,224.68           | \$433,861.42           | \$446,877.26           | \$460,283.58           | \$474,092.09           | \$488,314.85           | \$502,964.30           | \$518,053.23           |
| Replacement Equipment                  | \$161,900.00           | \$166,757.00           | \$171,759.71           | \$176,912.50           | \$182,219.88           | \$187,686.47           | \$193,317.07           | \$199,116.58           | \$205,090.08           |
| <b>Subtotal Expenses</b>               | <b>\$20,212,797.00</b> | <b>\$20,819,180.91</b> | <b>\$21,443,756.34</b> | <b>\$22,087,069.03</b> | <b>\$22,749,681.10</b> | <b>\$23,432,171.53</b> | <b>\$24,135,136.68</b> | <b>\$24,859,190.78</b> | <b>\$25,604,966.50</b> |
| Community Risk Reduction               | (\$1,043,000.00)       | (\$1,074,290.00)       | (\$1,106,518.70)       | (\$1,139,714.26)       | (\$1,173,905.69)       | (\$1,209,122.86)       | (\$1,245,396.55)       | (\$1,282,758.44)       | (\$1,321,241.19)       |
| <b>Existing Staffing Net Operating</b> | <b>\$19,169,797.00</b> | <b>\$21,893,470.91</b> | <b>\$22,550,275.04</b> | <b>\$23,226,783.29</b> | <b>\$23,923,586.79</b> | <b>\$24,641,294.39</b> | <b>\$25,380,533.22</b> | <b>\$26,141,949.22</b> | <b>\$26,926,207.70</b> |
| New Staffing/Operating Costs to        | \$0.00                 | \$0.00                 | \$0.00                 | \$1,974,920.37         | \$4,068,335.96         | \$4,190,386.04         | \$4,316,097.62         | \$6,668,370.82         | \$6,868,421.94         |
| <b>Total Estimated JPA</b>             | <b>\$19,169,797.00</b> | <b>\$21,893,470.91</b> | <b>\$22,550,275.04</b> | <b>\$25,201,703.66</b> | <b>\$27,991,922.74</b> | <b>\$28,831,680.43</b> | <b>\$29,696,630.84</b> | <b>\$32,810,320.04</b> | <b>\$33,794,629.64</b> |
| City Responsibility (% Cost            | 72%                    | 72%                    | 72%                    | 62.5%                  | 56%                    | 56%                    | 56%                    | 50%                    | 50%                    |
| City Of Tracy Cost Allocation          | \$ 13,802,254          | \$ 15,763,299          | \$ 16,236,198          | \$ 15,751,065          | \$ 15,551,068          | \$ 16,017,600          | \$ 16,498,128          | \$ 16,405,160          | \$ 16,897,315          |
| TRFD Responsibility (% Cost            | 28%                    | 28%                    | 28%                    | 37.5%                  | 44%                    | 44%                    | 44%                    | 50%                    | 50%                    |
| TRFD JPA Cost Allocation               | \$ 5,367,543           | \$ 6,130,172           | \$ 6,314,077           | \$ 9,450,639           | \$ 12,440,855          | \$ 12,814,080          | \$ 13,198,503          | \$ 16,405,160          | \$ 16,897,315          |



**Table 13-Option 3-Future annual fiscal impacts of annexations with detachment**

| <b>Agency</b>         | <b>*Future fiscal impact-Per 1 million square feet of commercial</b> | <b>*Future fiscal impact-Per100 single family detached homes</b> | <b>*Fiscal Impact-Tracy Village and The Avenues (825 homes)</b> |
|-----------------------|----------------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------|
| District Property Tax | -\$131,578                                                           | -\$60,375                                                        | -\$498,094                                                      |
| District Special Tax  | -\$30,000                                                            | -\$8,092                                                         | -\$66,759                                                       |
| City Allocation       | \$43,652                                                             | \$20,105                                                         | \$165,866                                                       |
| County Allocation     | \$87,926                                                             | \$40,270                                                         | \$332,227                                                       |

\*Future annual fiscal impacts at 2019 tax rates

### ***Fire Station Funding/Staffing and Ownership***

The City has the ability to collect Development Impact Fees, enter into Development Agreements (with conditions) and form Community Facilities Districts to fund infrastructure, services and public facilities. The statutory limitations of the Fire District is limited to the collection of development impact fees and to impose voter approved special taxes (requires 66% approval) within their jurisdictional boundary. Therefore, as part of the new JPA, it was determined that the City would fund fire stations through the City's Public Safety Facilities Master Plan that imposes Public Safety Facility Fees for new development. Because the District has maintained their taxing authority in the portions of the City that annexed but did not detach, as development occurs, the District will have the funding to staff the stations. The new JPA codified the funding and ownership of new fire stations. Construction of new fire stations in City limits that are within the District boundaries will be funded by the City and owned by the District.

### ***Station 94 (IPC)***

Station 94 is a pre-existing station located at W. Schulte Road owned and operated by the Rural District that will be relocated north of its current location to optimally serve the Prologis International Park of Commerce (IPC) and the Patterson Pass Business Park under the new standards of coverage contained in the Study. Prologis has agreed to advance their payment of Public Safety Fees for this project of \$4.25M. The estimated total cost of construction is \$5M. The difference between the fees and construction costs should come from contributions from the Rural District



related to the prior coverage assumption of the existing fire station. Design and construction is estimated to start in 2019 and is expected to take two years to complete. The existing Station 94 will remain open during this period. Once open, the apparatus and equipment from the existing station would move over from the current station. The Fire Station will be owned by the Rural District with a stipulation that the ownership of the station will revert back to the City if the District detached from the City.

#### ***Station 95 (Tracy Hills)***

Station 95 is a new station located within Tracy Hills north of I-580 that will be owned and funded by the District. This station will cover the south developing area of the City. Tracy Hills will advance \$5.5M of their Master Plan Safety Fees to design and construct the building. The total cost of Station 95 is estimated at \$6.6M, which includes the purchase of new apparatus and equipment for this station. The purchase of the apparatus will be funded through an advance (loan) from the City's Equipment Fund and repaid from future Master Plan Public Safety Fees from development. Design of Station 95 has been completed and is under review. Construction is estimated to start in 2021 and is expected to take one year to complete.

#### ***Station 97 (Valpico)***

Station 97 is a preexisting station located on Central Avenue, but is planned to be relocated along Valpico Road, southeast of its current location. It will be owned and funded by the City. The relocation of Station 97 will better serve development to the south as well as existing rural areas currently within the Rural Fire District. The City has collected \$4.5M in Public Safety Fees from various core areas of the City. The estimated total cost of land and construction is \$5.5M. The difference between the fees and construction costs will come from contributions from the City's General Fund related to the prior coverage assumption of the existing fire station. Design and construction is estimated to start in 2019 and is expected to take two years to complete. The existing Station 97 will remain open during this period. Once open, the apparatus and equipment from the existing station would move over from the current station. Staff has considered the sale of the existing station as part of the City's contribution to funding Station 97.

***Station 99 (Ellis/Avenues at Valpico)***

Station 99 is a new station located near Ellis and the proposed development of the Avenues that will be owned and funded by the District. This station will cover the middle developing area of the City's sphere of influence, west of Coral Hollow and east of Lammers Road. The total cost of Station 95 is estimated at \$6.6M, which includes the purchase of new apparatus and equipment for this station. The City has entered into an agreement for the developer of Ellis and Avenues to advance \$3.2M in Public Safety fees and the remaining fees will be collected from various developments located within the geographical area of coverage under a long horizon period. The purchase of the apparatus will be funded by the District. Design and construction is estimated to start in 2019 and is expected to take two years to complete.

**Table 14-Model Implementation Plan Status**

| Task                                                                                                                                                                                                                         | Date Completed | Expected Completion | Mechanism of Completion                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------|----------------------------------------|
| Approval of Dissolution Agreement of former SCFA<br>*Resolved debt between City/District<br>*Addressed Fire Station ownership concerns<br>*Addressed unfunded liabilities                                                    | 2/20/2018      |                     | City Council & Rural Board Resolution  |
| Adoption of SSJCFA JPA Agreement:<br>*Establish Fire Chief as CEO<br>*Designate all fire protection responsibilities to SSJCFA<br>*Operate under powers of a Special Fire District<br>*Implement streamlined cost allocation | 2/20/2018      |                     | City Council & Rural Board Resolution  |
| Designate Two Board Members from each member agency                                                                                                                                                                          | 2/20/2018      |                     | City Council & Rural Board Appointment |
| File JPA Agreement with Secretary of State                                                                                                                                                                                   | 3/21/2018      |                     | Returned Acknowledgement from SOS      |
| Establish Meeting Dates/Times for SSJCFA Board of Directors                                                                                                                                                                  | 4/24/2018      |                     | SSJCFA Resolution                      |
| Assign Existing Contracts from SCFA to SSJCFA                                                                                                                                                                                | 4/24/2018      |                     | SSJCFA Resolution                      |
| Appoint a Board Clerk for the SSJCFA                                                                                                                                                                                         | 4/24/2018      |                     | SSJCFA Resolution                      |
| Procure Financial Management Software Contract                                                                                                                                                                               | 5/9/2018       |                     | SSJCFA Resolution                      |
| Obtain Federal Employer Identification Number (EIN) with Internal Revenue Service                                                                                                                                            | 6/11/2018      |                     | Application to IRS                     |
| Adopt SSJCFA Personnel Agreement                                                                                                                                                                                             | 6/13/2018      |                     | City Council & SSJCFA Board Resolution |

| Task                                                                                                    | Date Completed | Expected Completion | Mechanism of Completion                         |
|---------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------------------------------------------|
| Select Financial Institution (Bank)                                                                     | 6/13/2018      |                     | SSJCFA Resolution                               |
| Adopt Purchasing & Contracting Ordinance of the SSJCFA                                                  | 6/13/2018      |                     | SSJCFA Ordinance                                |
| Adopt Finance Policy of SSJCFA                                                                          | 6/13/2018      |                     | SSJCFA Resolution                               |
| Hire Independent Legal Counsel for SSJCFA                                                               | 7/20/2018      |                     | SSJCFA Resolution                               |
| Adopt Conflict of Interest Policy                                                                       | 9/12/2018      |                     | SSJCFA Resolution                               |
| Approve Dispatching Services JPA (SJCRFDA)                                                              | 11/14/2018     |                     | SSJCFA Resolution                               |
| Approve Employment Agreement for Fire Chief                                                             | 11/14/2018     |                     | SSJCFA Resolution                               |
| Adopt 1st Amendment to Personnel Agreement to allow Fire Chief to serve at the will of the SSJCFA Board | 11/14/2018     |                     | City Council & SSJCFA Board Resolution          |
| Fire Station funding, staffing and sequencing plan                                                      | 11/16/2018     |                     |                                                 |
| Submit Employer Questionnaire Application to CalPERS (step for SSJCFA to become employer of record)     |                | 2/1/2019            | Staff Submittal                                 |
| Appoint Independent Treasurer/Controller                                                                |                | 2/20/2019           | SSJCFA Resolution                               |
| Procure Independent Public Accountant (Auditor)                                                         |                | 5/1/2019            | Staff Selection                                 |
| Establish Lease Agreements for SSJCFA use of member agency Facilities                                   |                | 6/1/2019            | Staff Development / Council and Board Approvals |
| Establish Revised Fee Structure for Fire Prevention Services                                            |                | 6/30/2019           | SSJCFA Resolution                               |
| Establish SSJCFA as Employer of Record                                                                  |                | 2/1/2020            | Governing Bodies/Labor Unions                   |

### **Status of LAFCO Concerns**

Initially, the governance discussion and evaluation was driven by LAFCO's 2011 MSR that had the following concerns with the current governance:

- 1) A loss of revenue to the County due to their inability to impose a tax sharing agreement (taking part of the ad valorem tax generated by TRFD) when detachment does not occur.
- 2) A concern that the City is not providing full municipal services to its residents.

LAFCO's concern about "a loss of revenue to the County due to a loss of opportunity for the County to redistribute (to itself) ad valorem property taxes" does not fall within LAFCO's purview. The same applies for their second concern, requiring a General Law municipality to provide full municipal services (fire protection) to its residents is something that does not fall within their purpose, authority, or purview. With that said, LAFCO does have the authority to require detachment from Special Districts when annexations occur, but they should need to have different "findings" under their authority to pursue such a policy.

Management Partner's report failed (at the City's request) to recommend an option to develop an Implementation Plan which appears to be a primary reason the report was rejected by LAFCO. LAFCO's Executive Officer has indicated that he will continue to pursue a resolution to the concern based on his previous direction from the Commission. Based on that perspective, and the concern the City may be forced to detach from the District in future annexations, it is important that this matter is resolved with LAFCO.

When LAFCO rejected the report that was developed and presented by the Fire Service Governance Oversight Committee in 2013, the LAFCO Executive Officer listed the following concerns (Table 15) when recommending rejection of the report:

**Table 15-LAFCO Concern Status**

| <b>LAFCO Concern</b>                                                                                                                           | <b>Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Only focused on the alternatives selected by the committee</i>                                                                              | <p>The Management Partners report provided a comprehensive analysis of three scenarios that are viable governance options for SCFA.</p> <p>This report provides further analysis with updated financial impacts for each scenario.</p>                                                                                                                                                                                                                   |
| <i>Needed to include a discussion of the alternatives which were rejected and for what reasons</i>                                             | <p>The Management Partners report provided a strong analysis of each of the three options. None of the options (scenarios) were actually rejected by the Management Partners' report due to the actual viability of each option.</p> <p>Further analysis of each option is provided in this report.</p>                                                                                                                                                  |
| <i>A fiscal analysis as to the impact on the County needs to be conducted</i>                                                                  | <p>The fiscal analysis on the County impact was completed by the subsequent Management Partners report.</p> <p>Further analysis of each option is provided in this report.</p>                                                                                                                                                                                                                                                                           |
| <i>The alternative that includes a traditional detachment from the district needs to be explored</i>                                           | <p>The alternative of a traditional detachment was completed by the subsequent Management Partners report.</p> <p>Further analysis of that option is provided in this report.</p>                                                                                                                                                                                                                                                                        |
| <i>A "move to full autonomy" is not possible under a Joint Powers Agreement</i>                                                                | <p>A standalone JPA is a JPA that functions as a "separate entity", issue bonds, provide personnel, personnel management, and administrative, legal and financial services. There are many examples of "separate entity" JPA's including the Orange County Fire Authority with 71 fire stations in 23 cities. JPA that function as separate entities are allowed under California's Joint Exercise of Powers Act (Government Code Section 6500-6538)</p> |
| <i>Report needs to explore the legal basis and process to relinquish fire service by the City and the financial feasibility of such action</i> | <p>California's Joint Exercise of Powers Act (Government Code Section 6500-6538). City Attorney could not identify any legal prohibition from the chosen model.</p>                                                                                                                                                                                                                                                                                      |
| <i>Need to address the precedent this may set for other Fire Districts</i>                                                                     | <p>See discussion in this Chapter on page 19-20 of this report.</p>                                                                                                                                                                                                                                                                                                                                                                                      |

LAFCO's most compelling argument against the previous governance was the potential confusion that was created for residents and homeowners in the overlapping areas that were annexed without detaching due to their inclusion in both City government

representation and District government representation. Although cities that are fully embedded in Special Fire Districts have the potential for similar governance confusion, the SCFA model is exacerbated because a portion of the city is in the Fire District and a portion of the city is not in the Fire District. Because the current JPA model was developed as a limited scope model and both the City and the District continue to make decisions that impact fire protection in their respective and overlapping jurisdictions, a change was needed to codify the fire protection responsibilities. Because the City and the District have delegated full responsibility for fire protection to the new JPA, the new model provides a clear pathway for residents and property owners to identify and access appointed or elected public officials (Fire Chief and JPA Board Members) that have the responsibility and authority to set policy and to provide oversight to fire protection services within their community.

## **REFERENCES**

Shannon, Davis & Associates (1997). *Fire Service Consolidation Assessment for the City of Tracy and the Tracy Rural Fire Protection District*

City of Tracy (2013). *Fire Governance Implementation Plan*

Management Partners (2014). *City of Tracy Alternative Fire Governance Structures*

Goodwin Consulting Group (2016). *Citywide New Development Impact Analysis Anticipated New Development through FY 2029-2030*

## **ATTACHMENTS**

Attachment A - Joint Powers Agreement of the South San Joaquin County Fire Authority

Attachment B – South County Fire Authority Dissolution Agreement between City of Tracy and Tracy Rural Fire District

## JOINT POWERS AGREEMENT OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

THIS AGREEMENT is entered into on this 20th day of February 2018, by and between the City of Tracy, a municipal corporation ("City") and the Tracy Rural Fire Protection District, a Fire Protection District ("District").

### RECITALS

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the Government Code of the State of California the City and District ("**Initial Member Agencies**") previously entered into an agreement for the joint exercise of any power common to them; and

WHEREAS, the Initial Member Agencies desire to enter this Agreement to exercise the power to provide fire protection services within their jurisdictions under a new joint powers authority (hereinafter "**the South San Joaquin County Fire Authority**" or "**Authority**"); and

WHEREAS, this Agreement sets forth the terms and conditions by which they will exercise their powers for the purpose of improving the provision of fire service with the Authority's jurisdiction.

### AGREEMENT

NOW THEREFORE, for and in consideration of the mutual advantages to be derived therefrom and in consideration of the mutual covenants herein contained, it is agreed by and between the parties hereto as follows:

#### SECTION 1. PURPOSE AND POWERS

##### 1.1 Authority.

South San Joaquin County Fire Authority ("Authority") is formed by this Agreement pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 (commencing with section 6500) of the Government Code of the State of California ("Act"). As provided in Government Code section 6507, the Authority shall be a public entity separate from the parties hereto and its debts, liabilities and obligations shall not be the debts, liabilities and obligations of its Member Agencies. The terms "Members" or "Member Agencies" shall mean any public entity or agency that has agreed to this Agreement, including Initial Member Agencies. The term "Initial Member Agencies" shall only mean City and District.



## **1.2 Purpose.**

The purpose of this Agreement is to provide for the joint exercise of powers to provide a full range of fire services ("Fire Protection Services") within the Authority's jurisdictional area including:

- (a) Administer and direct the personnel that provides the Fire Protection Services and provide the necessary administrative support for its programs and operations, which shall include, but not be limited to,
  - (i.) Provide fire safety plan checks and inspections for all commercial, residential and industrial buildings.
  - (ii.) Coordinate abatement activities for hazardous materials and nuisances.
  - (iii.) Promote fire prevention.
  - (iv.) Respond to fire and emergency calls to provide fire suppression, rescue, emergency medical advanced life support, and hazardous materials response services.
  - (v.) Provide and manage a training program involving all facets of departmental functions and operations, for career, reserve, and volunteer personnel.
  - (vi.) Contract for or provide fire dispatch services ("Fire Dispatch Services") within the Authority's jurisdictional area.
- (b) Adopt performance objectives of the Authority.

## **1.3 General Powers.**

The Authority shall exercise in the manner herein provided the powers common to each of the Member Agencies, and/or inherent to any one Member Agency, as provided by the laws of the State of California, e.g. Fire Protection District Law of 1987, and all incidental, implied, expressed, or necessary powers for the accomplishment of the purposes of this Agreement, subject to the restrictions set forth in this Agreement and shall have the power to manage, maintain, and operate facilities.

## **1.4 Specified Powers.**

The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of the foregoing powers, including but not limited to, any of the following:

- (a) Initiate, alter and otherwise exercise the common powers of its Members in providing fire suppression, protection, prevention and related services, and those powers that may be conferred upon it by subsequently enacted legislation, and to be the exclusive

body to make policy concerning the administration of the provision of fire service by the Authority for Member Agencies including determining if, when and where to place facilities and staff said facilities within the Authority's jurisdiction for services.

- (b) Make and enter into contracts, including contracts with its Members; provided, however, the Authority may not enter into real property development agreements pursuant to Government Code Section 65865.
- (c) To hire and employ personnel or to contract for personnel to fulfil its mission.
- (d) Assume existing contracts relating to fire suppression, protection, prevention and related services.
- (e) Lease, acquire, hold and dispose of real and personal property.
- (f) Invest reserve funds.
- (g) Incur debts, liabilities, or obligations, provided that all long term bonded indebtedness, certificates of participation or other long-term debt financing require the prior consent of the Member Agencies.
- (h) Sue and be sued in its own name.
- (i) Apply for grants, loans, or other assistance from persons, firms, corporations, or governmental entities.
- (j) Use any and all financing mechanisms available to the Authority, subject to the provisions of this Agreement.
- (k) Prepare and support legislation related to the purposes of the Agreement.
- (l) Lease, acquire, construct, operate, maintain, repair and manage new or existing facilities, apparatus and equipment as well as to close or discontinue the use of such facilities, apparatus and equipment.
- (m) Levy and collect payments and fees for Fire Protection Services.
- (n) Impose new special taxes or assessments as authorized by law to the extent allowed by law, and in coordination with the underlying jurisdiction(s).
- (o) Provide related services as authorized by law including, but not limited to, emergency medical services, emergency preparedness, mitigation of hazardous materials incidents and confined space rescue.

- (p) Contract for the services of attorneys, accountants, consultants and other services as needed.
- (q) Purchase insurance or to self-insure and to contract for risk management services.
- (r) Adopt rules, regulations, policies, bylaws and procedures governing the operation of the Authority, including the determination of compensation of Directors.
- (s) Exercise the power of eminent domain.
- (t) Advise its Members of the impact of land development on the provision of fire suppression, protection, prevention and related services.
- (u) Recommend approval of an annual fire department budget to the Member Agencies, including, but not limited to, staffing levels at each fire station and all related costs for each fire station and the administrative, training and fire prevention budget activities.
- (v) Develop finance, procurement and conflict of interest policies.
- (w) Establish fire department operational policies for fire protection.
- (x) Receive, accept, and utilize the service of personnel offered by the Member Agencies, or their representatives or agents and to receive, accept and utilize real or personal property from the Member Agencies.
- (y) Mitigate fire protection impacts caused by development within the jurisdiction of the Authority.

#### **1.5 Restrictions on Exercise of Powers.**

The power of the Authority shall be exercised in the manner provided in the Act and, in accordance with §6509 of the Act, shall be subject to the restrictions upon the manner of exercising such powers that are imposed upon general law cities in the State of California in the exercise of similar powers.

#### **1.6 Employment of Personnel and Administration of Services.**

Initially, the Authority will contract with a Member Agency to serve as the “Employer of Record” and provide all employees and employee services to the Authority. The Initial Member Agencies desire to transition to having the Authority employ its own personnel to provide any or all of the services the Authority elects to provide. In the event that the Authority elects to employ its own personnel, the Chief Executive Officer shall, with the assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan (“the Personnel Plan”) detailing how the Authority would employ its own personnel. The Personnel Plan shall detail the treatment of matters such as transfer of employees from the Member Agencies to the Authority (and the transfer’s effect on

existing collective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of new organizations. The Personnel Plan shall be presented to the legislative bodies of the Member Agencies. Upon their receipt of the Personnel Plan, the Member Agencies agree to meet in good faith and negotiate the terms of the Authority employing personnel. Thereafter, Member Agencies and Authority shall enter into an agreement regarding the terms of employing personnel ("the Personnel Agreement").

Until such time as personnel are transferred to the Authority, the Authority's Chief Executive Officer shall be hired as the Fire Chief of the Member Agency that is the "Employer of Record." Until such time as personnel are transferred to the Authority pursuant to this Section, Employer of Record shall assign the functions of its personnel to the Authority.

All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all wages and benefits, disability, workers compensation, and other benefits which apply to the activities of the officers, agents, or employees of the Member Agencies when performing their respective functions shall apply to them to the same degree and extent while engage in the performance of any of the functions or duties under this Agreement.

#### **1.7 Obligations of Authority.**

The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of any Member Agency.

#### **1.8 Conflict of Interest.**

The Authority Board shall adopt and, thereafter, maintain a conflict of interest code in compliance with applicable provisions of the Political Reform Act (Gov. Code, §87300 et seq.) and the regulations adopted by the Fair Political Practices Commission (Cal. Code Regs., Title 2, §1870 et seq.).

#### **1.9 Identification.**

The Authority's fire stations fire apparatus, vehicles and personnel will be identified as "South County Fire."

### **SECTION 2. GOVERNANCE.**

#### **2.1 Governing Board.**

The Authority shall be administered by a Board of Directors (hereinafter, "Authority Board" or "Board") consisting of members of the legislative bodies of the Member Agencies. The initial Member Agencies, as identified in this agreement, shall each indefinitely be allocated a minimum of two Board positions. Any additional Member Agency that becomes party to this agreement shall be allocated a minimum of one Board position and may not exceed two Board positions.

Each Legislative Body shall appoint an alternate Board member from the Legislative Body who may act in the absence of a member appointed by that Legislative Body. The Board of Directors shall be called the "Board of Directors of the South San Joaquin County Fire Authority." All voting power of the Authority shall reside with the Board of Directors who shall be responsible for setting policy for the Authority including the provision of all Fire Protection Services for its Member Agencies.

All Board members shall serve at the pleasure of the Member Agency that appointed such Board member.

All vacancies on the Board of seats appointed by Member Agencies shall be filled by the appointing Member Agency within thirty (30) calendar days of the vacancy. Each board member shall cease to be member of the Board of Directors when such member ceases to hold office as a member of the Legislative Body appointing entity.

## **2.2 Officers.**

### **(a) Chief Executive Officer.**

The Authority Board of Directors shall select an Chief Executive Officer and the Chief Executive Officer shall serve as the Authority Fire Chief and shall serve at the will of the Authority Board. The Chief Executive Officer shall be responsible for implementing the Authority's policies as well as administration of the Authority's affairs and property as directed by the Authority's Board of Directors.

Initially, as stated in Section 1.6, a Member Agency shall serve as the "Employer of Record" of the Authority's and the Chief Executive Officer shall be employed by the said Member Agency. Although employed by a Member Agency, the Chief Executive Officer shall be selected by and serve at the "will" of the Authority Board of Directors.

The Chief Executive Officer shall have the power:

- To prepare and submit, in consultation with the Member Agencies, to the Board of Directors, an annual budget for the succeeding Fiscal Year;
- To expend funds of the Authority whenever authorized by the Authority's annual budget or the Member Agencies for additional services;
- To retain any consultants, or contractors, as authorized in the Authority's budget, or as may be directed by the Board of Directors;
- To supervise the operation of the Authority's Fire Protection Services and Leased Facilities;

- To make recommendations to the Member Agencies for the purchase or construction of new fire station(s) apparatus and equipment, the replacement of existing property and/or the acquisition of new property; and
- To perform such other duties as directed by the Board of Directors.

The Chief Executive Office shall provide the Authority's Board of Directors a report each quarter of the staffing levels at each fire station and such other details of operational performance of the Authority's services as well as any other reports concerning the Authority as may be requested by the Board of Directors.

**(b) Secretary/Clerk.**

The Secretary/Clerk shall be appointed by the Board. The Secretary shall countersign all contracts signed by the Chairperson, Vice-Chairperson and/or the Chief Executive Officer on behalf of the Authority, as well as perform such other duties as may be imposed by the Board of Directors.

The Secretary/Clerk shall be responsible for providing notice of, preparing and posting agendas after consulting the Member Agencies, and keeping minutes of regular, adjourned regular, and special meetings of the Board, and shall cause a copy of the minutes to be forwarded to each Director. The Secretary/Clerk shall have charge of, handle and have access to all other records of the Authority. The Secretary/Clerk shall be directed by the Chief Executive Officer.

**(c) Controller/Treasurer.**

The Controller Treasurer shall be appointed by the Board. The Controller/Treasurer shall be depository and shall have custody of all of the accounts, funds and money of the Authority from whatever source. The Controller/Treasurer shall have the duties and obligations set forth in §§6505 and 6505.5 of the Act, and shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of the Authority.

The Controller/Treasurer shall provide monthly reports of Member Agencies' expenditures and revenue for fire prevention and fire protection services and of the Authority to the Board of Directors in such form as may be specified by the Board.

**(d) Officers in Charge of Property.**

Pursuant to §6505.6 of the Act, the Controller/Treasurer shall have charge of, handle, and have access to all accounts, funds, and money of the Authority and all records of the Authority relating thereto; the Secretary shall have charge of, handle and have access to all other records of the Authority; and the Chief Executive Officer shall

have charge of, handle, and have access to physical properties of the Authority, in such a manner as may be specified by the Authority's Board of Directors.

**(e) Official Bonds.**

The Chief Executive Office, Secretary/Clerk, and Controller/Treasurer shall each file an official bond in the penal sum of \$25,000 pursuant to §6505.1 of the Act.

**(f) Legal Counsel.**

The Board of Directors shall have the power to appoint one or more general and/or special legal counsel to the Authority who shall perform such duties as may be prescribed by the Board of Directors. Neither legal counsel, nor his/her firm, shall represent any Member Agency, unless a conflict waiver has been granted by the Authority.

**2.3 Meetings of the Board of Directors.**

The Board of Directors shall provide for regular meetings at a date, time, and place fixed by resolution of the Board of Directors which shall occur at least monthly. All meetings of the Board of Directors shall be called, noticed, held, and conducted in accordance with the provisions of §§54950, et seq. of the California Government Code (The Ralph M. Brown Act). A proposed agenda shall be sent to all Member Agencies prior to a board meeting, as directed, by resolution of the Board.

A minimum of half of the Board of Directors, plus one Board member, shall constitute quorum for purposes of conducting meetings and transacting business.

**2.4 Chairperson and Vice-Chairperson.**

The Board of Directors shall elect a Chairperson and Vice-Chairperson from among its members. The Chairperson and Vice-Chairperson shall rotate from each Member Agency annually such that the Chairperson and Vice-Chairperson shall not be appointed from the same Member Agency. In the event of the disqualification or permanent inability to serve as the Chairperson during the year, another member from the same Agency shall be appointed Chairperson to fulfill the one-year term.

The Chairperson shall preside at all Authority Board meetings, may sign all contracts on behalf of the Authority and shall perform such other duties as may be imposed by the Board of Directors.

The Vice-Chairperson shall act, sign contracts, and perform all of the Chairperson's duties in the temporary absence of the Chairperson.

## **2.5 Required Votes.**

The affirmative votes of a majority of members of the Board of Directors shall be required to take any action, provided however, that any vote to incur a debt or to issue bonds respectively, shall require a unanimous vote of all Board members.

## **2.6 Voting.**

Each member of the Board of Directors shall have one vote.

## **2.7 Minutes.**

The Secretary/Clerk shall keep minutes of the meetings of the Board of Directors and forward a copy of the minutes to each Member Agency following board approval.

## **2.8 Bylaws.**

The Board of Directors may adopt Bylaws for the conduct of its meetings and affairs as are necessary for the purposes herein.

## **2.9 Appointment of Officers/Employees.**

Initially, an officer or employee of a Member Agency as specified in Section 2.2(c) may hold the office of Controller/Treasurer of the Authority. Within one (1) year of the Effective Date of this Agreement, the Authority shall select an independent Controller/Treasurer who shall assume the responsibilities within a reasonable period of time. Such person or persons shall possess the powers of and shall perform the Controller/Treasurer functions for the Authority required by Government Code Sections 6505, 6505.5, and 6505.6, including any subsequent amendments thereto. The Controller/Treasurer shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of Authority.

## **2.10 Expenditures for the Approved Budget.**

All expenditures within the amount of the approved general budget shall be made in accordance with the authorization of the Board. Expenditures in excess of any amount approved in the general budget by the Board shall not be made without the approval of a majority of all of the Directors of the Board. A Member Agency incurring obligations to the Authority without Board approval shall be fully liable for said obligation and shall indemnify the Authority and the other Member Agencies from said obligations.

## **2.11 Termination of Authority.**

### **(a) Notice Required.**

This Agreement may be terminated by an affirmative vote of Member Agencies constituting 50% or more of the membership of the Authority. A written Notice of



Termination shall be sent all other Member Agencies following that vote and shall state that the termination date is effective at least twenty four (24) months from the date of the Notice.

**(b) Continued Liabilities.**

Upon termination of this Agreement, unless otherwise determined by a court of competent jurisdiction, any continuing obligations of the Authority shall be borne by the Member Agencies in proportion to their total monetary responsibility for costs of maintenance and operations for the life of the Authority.

**(c) Disposition of Leased Facilities.**

Upon termination of this agreement, Authority shall return all Leased Facilities, including any replacements, to the Member Agency on title, reasonable wear and tear excepted.

**(d) Surplus Money.**

Upon termination of this Agreement, any surplus money on hand shall be returned to the Member Agencies in accordance with the proportion to their total monetary responsibility for costs of maintenance and operations for the life of the Authority

**(e) Obligations Survive Termination.**

The obligations of Section 2.11 survive termination of this Agreement.

**2.13 Dispute Resolution.**

In the event the Member Agencies disagree regarding the interpretation or application of this Agreement or cannot agree on the distribution of Leased Facilities and/or other assets of the Authority upon termination, they shall meet during a ninety (90) day period in a good faith effort to resolve the disagreement informally. If the Member Agencies cannot informally resolve the dispute, they shall then attempt to resolve such dispute through either non-binding mediation or arbitration for a period not to exceed sixty (60) calendar days. If the Member Agencies cannot mutually agree upon a mediator, then the presiding judge to the San Joaquin County Superior Court shall designate a mediator. The Member Agency shall contribute equally to the cost of mediation. If mediation is unsuccessful, the disputing Member Agency may pursue litigation or any other remedies to resolve the dispute.

The arbitration shall be conducted in accordance with the California Arbitration Act (Code of Civil Procedure §1280 et seq.). The costs of mediation or arbitration (excluding each Agency's own costs) shall be borne by the Agencies equally.

## **2.14 Cooperation and Disclosure.**

Unless and until the Authority employs its own personnel, the Employer of Record shall keep the Authority informed of any negotiations, agreements or other circumstances that have a significant impact on the operations and/or jurisdiction of the Authority. Member Agencies shall keep the Authority informed of their negotiations with developers and, prior to entering into any agreements with same, shall advise the Authority of any significant impacts to the Authority. Members shall promptly notify the Authority of all annexation or new land development applications that impact the Authority's jurisdiction before filing with any city or county. Members shall consult with the Authority other Members before seeking to raise new revenue (ballot, tax or bond) that impact the provision of fire services. Upon written request, Member Agencies shall, within a reasonable time period, provide the Authority with records necessary to conduct audits of funds used for the provision of fire services.

All Member Agencies shall be notified before any Member Agency approves a formal action by any Member Agency to pursue, financing, purchasing and/or building facilities to be used for Fire Protection Services.

## **SECTION 3. LEVEL OF SERVICE.**

### **3.1 Basic Services.**

A. *List of Services.* The Authority shall provide a uniform, minimum set of basic services to each Member Agency, which shall consist of the following:

1. Responding to fire and emergency calls to provide fire suppression, rescue, emergency medical, and hazardous materials response service.

2. Providing a fire prevention program that includes fire safety plan checks, issuance of fire safety permits and inspections as required by the California Fire Code.

- a. The Member Agencies will each adopt the California Fire Code with such modification and amendments deemed appropriate by each Agency. As part of the code adoption process, each Agency will assign the Authority as the "Authority Having Jurisdiction" for all fire protection matters within the Member Agency jurisdictions.

- b. The Authority by Member agreement may charge user fees for its fire protection program to the greatest extent possible to fully recover its cost for services. By agreement with the Authority, a Member Agency may elect to fund the aspects of the Authority fire protection program otherwise required to be funded by Authority user fees, in which case the Authority user fees shall not be charged in the territory of the Member Agency as specified in the agreement between the Authority and the Member Agency.

3. Coordinating abatement activities for hazardous materials and nuisances. So as to avoid the inequitable use of Authority resources, the Authority and Member Agencies shall

take commercially reasonable steps to recover the costs of abatement from the parties responsible for the conditions requiring abatement.

4. Ensuring that personnel are trained to provide all facets of Authority functions and operations.

5. Provide or contract for dispatch services within the Authority's jurisdiction area.

B. *Level of Service.* The Member Agencies will indirectly control the level of services, in terms of response times, through their station siting and staffing level decisions. Member Agencies shall also retain the right to elect to close stations within their jurisdictions. Nothing in this Agreement is intended to or shall limit or control the land use power of a municipal corporation or any other Member Agency that is a party to this Agreement.

### **3.2 Additional Services.**

So long as it would be consistent with the Authority's powers set out in Section 1 above, the Authority may perform additional or higher level services within the territory of all or a particular Member Agency, pursuant to an agreement between the Authority and the Member Agencies.

## **SECTION 4. FACILITIES AND EQUIPMENT.**

### **4.1 Member Agency Ownership**

Member Agencies shall, as a condition of membership, make available all its stations, apparatus and equipment to provide fire protection services. Member Agencies shall be responsible for constructing and replacing fire stations within their respective jurisdiction.

Member Agencies that have overlapping jurisdictional boundaries shall enter into a separate agreement to establish ownership of facilities within the overlapped areas.

### **4.2 Lease of Facilities.**

Each Member Agency hereby agrees to lease, by separate agreement, in consideration of the services provided herein, to the Authority the following real and personal property, together with any replacements or new property of a similar nature.

- (a) All existing operational fire stations, together with all furniture, computers and furnishings in such stations.
- (b) All fire apparatus, together with all equipment located on the apparatus, , which consists of existing fire trucks, engines, and vehicles together with all equipment physically located on each piece of apparatus;

- (c) All personal protective equipment listed, such as turnout gear and all other personal protective equipment.

Each Member Agency warrants that its property provided is in good and workable condition.

#### **4.4 New Facilities.**

All new station constructed by a Member Agency that are within the Member Agency's jurisdictional boundaries shall be leased to the Authority upon being placed in service in accordance with this Section. Such leases shall be separately negotiated between the Authority and the Member Agency.

#### **4.5 Improvements and Maintenance of Facilities and Apparatus.**

A. *Maintenance and Repair.* The Authority shall be responsible for maintenance and ordinary repair of all facilities leased in the provision of services pursuant to this Agreement.

B. *Station Structural Repairs; Replacement.* Member Agencies shall be responsible for capital improvements to the real property owned by each, as used herein, "capital improvements" refers to structural repairs and similar improvements which are the type of improvements that would be added to the tax "basis" if the property were owned by a non-governmental entity. Member Agencies shall be responsible for ensuring that the facilities are replaced at the end of the facility's useful life, including ensuring that financial resources are available for replacement. To facilitate the Member Agencies' duty to replace facilities, the Authority shall maintain and annually update a replacement schedule for all of the leased facilities.

C. *Property Insurance.* The Authority shall maintain in full force and effect, fire insurance and a standard "all risk" policy covering all Leased Facilities. This coverage must (i) name the titled Member Agencies as an additional insureds, (ii) contain a waiver of subrogation endorsement in favor of the titled Member Agencies, (iii) cover loss or damage to the station and any Member Agency-owned personal property in the amount of the full replacement value, (iv) include a deductible no greater than \$25,000. Covered perils are to include fire, all risk, vandalism, malicious mischief and sprinkler leakage. The Parties intend that insurance proceeds paid as a result of real property damage be passed through the Authority to the effected Member Agency.

#### **4.6 Authority-Owned Facilities.**

With the approval of the legislative bodies of all of the Member Agencies, the Authority may acquire by lease or purchase real and personal property such as administration buildings, training, and other facilities as necessary..

#### **4.7 Authority's Assumption of Liability.**

The Authority shall assume responsibility for any and all loss, litigation, liability, injury, damage, claim, demand, and tort or workers compensation incidents that occur for any personnel or contracts assigned to and accepted by the Authority. The Member Agency shall retain responsibility and liability for any and all such incidents not assigned or accepted by the Authority and shall retain all risk management reserves that have been set aside for such prior incidents. The Authority may contract to receive risk management services on such terms as agreed to by the Authority.

#### **4.8 Indemnification and Insurance.**

Pursuant to Government Code section 820.9, as may be amended, members of the Board of Directors of the Authority are not vicariously liable for injuries caused by the act or omission of the Authority or any of its Members.

Except as provided herein, the Authority shall defend, indemnify and hold harmless Member Agencies and their officers, employees, agents and representatives with respect to any loss, damage, injury, claim, demand, litigation or liability and all expenses and costs relating thereto (including attorneys' fees) arising out of or in any way related to the performance of services pursuant to this Agreement or an agreement assumed by or otherwise transferred to the Authority or any Member assets to be transferred to the Authority, including but not limited to real property, personal property, equipment and apparatus.

Notwithstanding this Agreement the Members agree that no immunity or defense available to the Member Agencies under State or federal law or regulation shall be waived with respect to any third party claim.

### **SECTION 5. FINANCES.**

#### **5.1 Accounting Procedures.**

Full books and accounts shall be maintained for the Authority in accordance with practices established by, or consistent with, those utilized by the Controller of the State of California for like public entities. In particular, the Authority's auditor and treasurer shall comply strictly with requirements governing joint powers agencies, Article 1, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the Government of Code of the State of California.

The Authority shall keep accurate and correct books of account, showing the cost of providing Fire Protection Services and Fire Dispatch Services within the jurisdictional area, broken down by: jurisdictional areas; Member Agency; locations of calls; number of units sent; cancellation of units; and the identity of responding stations. Said books and records shall be open to inspection at all times during normal business hours by a Member Agency or its designee.

The Controller/Treasurer shall provide monthly reports of expenditures and revenue of all Member Agencies relating to the fire protection and fire prevention services and of the Authority to

the Authority Board and Member Agencies in such form as may be specified by the Board or requested by a Member.

## **5.2 Audits.**

The Controller/Treasurer shall cause the books of account and other financial records of the Authority to be audited by an independent public accountant or certified public accountant in accordance with §§6505 and 6505.6 of the Act.

The records and accounts of the Authority shall be audited annually by an independent certified public accountant and copies of the audited financial reports, with the opinion of the independent certified public accountant, shall be filed with the County Auditor, the State Controller and each Member Agency within six (6) months of the end of the fiscal year under examination.

## **5.3 Annual Budget.**

It shall be the policy of the Authority to approve only those budgets that do not exceed available revenues and neither the Authority nor the Employer of Record shall disburse funds outside of approved budgets or without the prior written approval of all Member Agencies.

At least sixty (60) days prior to the commencement of each fiscal year, the Chief Executive Officer shall meet with each Member Agency to prepare a preliminary budget for the Authority based on the formula identified in Section 5.4. Each Member Agency must approve the preliminary budget prior to May 15th of each year. On or before May 15th, of each year, the Authority Board of Directors shall adopt a preliminary annual budget for maintenance and operation costs of the Authority. On or before September 1, of each fiscal year, the Authority Board shall adopt a final annual budget for maintenance and operation costs of the Authority.

Following approval of the annual budget by the Authority, Member Agencies shall pay their pro rata share 120 days in advance of their expenses as estimated within the current approved budget.

The Chief Executive Officer and the Treasurer shall provide quarterly budget updates to the Authority Board.

## **5.4 Responsibility for Maintenance and Operations Costs.**

The Member Agencies shall share responsibility for the annual costs of maintenance and operations for Fire Protection Services, Fire Dispatch Services, any expenses of the Member Agency pursuant to this Agreement, and any insurance premiums paid by the Member Agency to insure itself against liability arising out of the contract with the Authority for the provision of fire services. Based on the formula in the paragraph below, each Member Agency shall be responsible for all such costs within their jurisdictional fire protection boundaries. Member Agencies with overlapping boundaries shall enter into a separate agreement that establishes fire protection responsibilities.

Prior to December 31 of each year, the Chief Executive Officer and Treasurer shall meet with each Member Agency to provide an accounting of the previous fiscal year. Except as otherwise provided in this Agreement, or pursuant to a resolution adopted by each Member Agency, the cost allocation shall be determined by the following formula:

Divide the total number of daily staffed positions within each Member Agency by the total number of daily staffed positions within the Authority.

Example: If the Authority has a total number of seven (7) daily staffed fire companies, each staffed with three (3) personnel, the total staffed positions for the Authority would be twenty-one (21). If a Member Agency had four (4) companies within their jurisdictional boundaries, the Member Agency would be responsible for twelve (12) daily staffed positions of the total twenty-one (21) daily staffed positions. Twelve (12) divided by twenty-one (21) equals 57.14 percent. The Member Agency with four (4) of the seven (7) companies would be responsible for 57.14 percent of the operating cost of the Authority.

The formula used for cost allocation shall be used for all fire protection and fire prevention services provided by the Authority. Formula shall not apply to:

*Station Repairs; Replacement.* Member Agencies shall be responsible for capital improvements to the real property owned by each Member Agency. As used herein, "capital improvements" refers to structural repairs and similar improvements which are the type of improvements that would be added to the tax "basis" if the property were owned by a non-governmental entity. Member Agencies shall also be responsible for all facility repairs and replacements costs that exceed \$5,000 per occurrence.

## **5.5 Limitations on Exceeding Budget Allocations**

Unless and until such time as the Authority employs its own personnel, expenditures by the Employer of Record, shall not exceed the approved Authority annual budget without prior written consent of all Member Agencies. Any expenditures not pre-approved in writing by all Member Agencies, shall be an expense paid by the Member Agency incurring the unauthorized expenditure and shall not be a debt owed by the other Member Agency(s) of the Authority.

## **5.6 Funding.**

Unless otherwise agreed, the Member Agencies agree to each be responsible to fund the replacement of the apparatus and facilities owned by Member Agency, respectively.

The Authority Board shall adopt an "emergency funding" policy for the funding of unforeseen emergencies that must be addressed prior to formal Board approval.

To the extent authorized by law, the Member Agencies agree to impose fire impact fees and/or special taxes necessary to provide funding for the Member Agency's obligations under this Agreement.

### **5.7 Additional Services.**

Either Member Agency may request the Authority to perform additional services in addition to Fire Protection Services, provided such Member Agency provides funding for such additional services or other agreement between the Members.

## **SECTION 6. MEMBERSHIP.**

### **6.1 Adding Member Agencies.**

Any "public agency," as that term is defined in Section 6500 of the Government Code, that is authorized to provide the common powers jointly exercised pursuant to this Agreement is eligible to become an additional party to this Agreement. Member Agencies other than the Initial Member Agencies are referred to herein as "Additional Member Agencies." Eligible agencies may become members by executing this Agreement, satisfying any terms and conditions established by the Board, and upon unanimous approval of the membership of the Board. Upon such approval, this Agreement will then become effective as to that signatory.

### **6.2 Withdrawal of a Member Agency.**

This Agreement shall remain in effect as to all Member Agencies, unless and until it is terminated as to a particular Member Agency by written notice ("Withdrawal Notice") to all other Members. The Withdrawal Notice must be given by the withdrawing Member at least two (2) years in advance of the effective date of such withdrawal. A withdrawing Member Agency shall not be liable for commitments made by the Authority after the Withdrawal Notice is given except that the departing Member Agency shall be liable for its pro rata share up to the Date of Withdrawal. A withdrawing Member Agency shall also be liable for its pro rata share of the Authority's approval contractual commitments made prior to the Withdrawal Notice, excluding automatic renewals, amendments or restatements made subsequent to the Withdrawal Notice. The withdrawing Member Agency may pay the Authority the present value of its pro rata share of all obligations as of the Date of Withdrawal or otherwise refinance its obligations, but in no event pay less than owed at the time payment is due under agreements made before the Withdrawal Notice. Upon termination of this Agreement as to a withdrawing party, the Authority shall return to the Member Agency all of the leased facilities identified in Sections 4.2 above, unless otherwise specified in an agreement between Member Agencies that share territory. A withdrawing agency shall not be entitled to any agency funds upon withdrawal.



## **SECTION 7. MISCELLANEOUS.**

### **7.1 Conflict of Interest.**

The Authority Board shall adopt and, thereafter, maintain a conflict of interest code in compliance with applicable provisions of the Political Reform Act (Gov. Code, §87300 et seq.) and the regulations adopted by the Fair Political Practices Commission (Cal. Code Regs., Title 2, §1870 et seq.).

### **7.2 Recitals.**

The foregoing recitals are true and correct and are made a part hereof.

### **7.3 Effective Date of Agreement.**

This Agreement shall become effective when signed and executed by both Member Agencies.

### **7.4 Operational Date of Authority.**

This Agreement shall become operational on March 1, 2018, following approval and execution by the Initial Member Agencies.

### **7.5 Term.**

This Agreement shall be effective on the effective date and shall continue in effect until terminated pursuant to Sub-section 2.11.

### **7.6 Headings.**

All section headings in this Agreement are for convenience of reference only and are not to be construed as modifying or governing language in the section referred to or to define or limit the scope of any provision of this Agreement.

### **7.7 Consent.**

Whenever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

### **7.8 Law Governing.**

This agreement is made under the Constitution and laws of the State of California.

#### **7.9 Amendments.**

This Agreement may not be amended or modified except by vote of all Members.

#### **7.10 Severability.**

In the event any provision of this Agreement is determined to be illegal or invalid for any reason, all other provisions and sections of this Agreement shall remain in full force and effect unless and until otherwise determined. The illegality of any provision of this Agreement shall in no way affect the legality and enforceability of any other provisions of this Agreement.

#### **7.11 Non-Liability of Agents.**

None of the officers or agents of the Authority shall be deemed, by reason of such status, to be officers, agents or employees of either Member Agency or to be subject to any of the requirements of either Member Agency.

#### **7.12 Successors.**

This Agreement shall be binding upon and all inure to the benefit of the successors of the Member Agencies. Member Agencies may not assign any right or obligation hereunder without written consent of the Authority.

#### **7.13 Notice.**

All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party at the mailing or electronic addresses listed herein.

To City: City of Tracy  
333 Civic Center Plaza  
Tracy, California 95376  
[Manager@cityoftracy.org](mailto:Manager@cityoftracy.org)

With copy to: City Attorney  
333 Civic Center Plaza  
Tracy, California 95376  
[attorney@cityoftracy.org](mailto:attorney@cityoftracy.org)

To District: Bowman & Berreth  
Tracy Rural Fire Protection District  
1820 Kettleman Lane, Suite F  
Lodi, California 95242

Communications shall be deemed to have been received on the first to occur of: (1) actual receipt at the physical address designated above, or (2) three working days after the deposit of a written

**7.14 No Continuing Waiver.**

No waiver of any term or condition of this Agreement shall be considered a continuing waiver thereof.

**7.15 No Third-Party Beneficiary.**

The Members agree that the provisions of this Agreement are not intended to directly benefit, and shall not be enforceable by, any person or entity not a party to this Agreement.

**7.16 Entire Agreement.**

This Agreement contains all the terms agreed to by the Parties relating to its subject matter.

**7.17 Construction of Agreement.**

Each Member Agency has had an equivalent opportunity to participate in the drafting of this Agreement and to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting party shall not apply hereto.

[SIGNATURES ON NEXT PAGE]

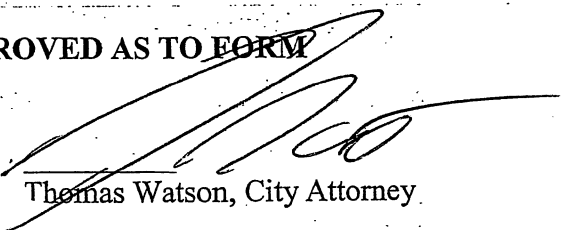
**CITY OF TRACY**

By:   
Robert Rickman  
Mayor

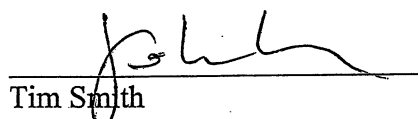
**ATTEST**

By:   
Adrienne Richardson, City Clerk

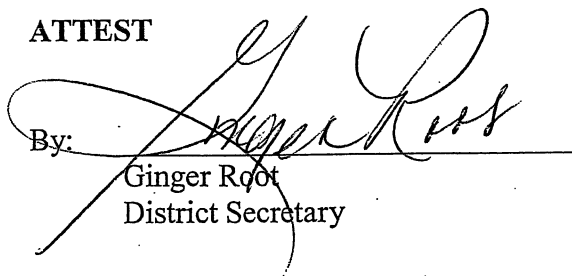
**APPROVED AS TO FORM**

By:   
Thomas Watson, City Attorney

**TRACY RURAL FIRE PROTECTION DISTRICT**

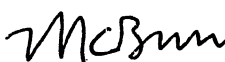
By:  Vice Chair for  
Tim Smith  
District Chair

**ATTEST**

By:   
Ginger Root  
District Secretary

**APPROVED AS TO FORM**

BOWMAN & BERRETH, LLP

By:   
Mark Charles Bowman  
District Counsel

## SOUTH COUNTY FIRE AUTHORITY DISSOLUTION AGREEMENT BETWEEN CITY OF TRACY AND TRACY RURAL FIRE DISTRICT

This SOUTH COUNTY FIRE AUTHORITY DISSOLUTION AGREEMENT ("**Agreement**") is made and entered into as of 2/20/2018 by and between the City of Tracy, a municipal corporation ("**City**"), and the Tracy Rural Fire Protection District, a special district formed pursuant to Health and Safety Code ("**District**"). City and District are collectively referred to as "**Parties**."

### RECITALS

WHEREAS, on September 7, 1999, the Parties entered into the JOINT EXERCISE OF POWERS AGREEMENT FOR THE SOUTH COUNTY FIRE AUTHORITY ("**Original JPA Agreement**") thereby forming the South County Fire Authority ("**SCFA**") pursuant to Government Code Section 6500 *et seq.* to jointly provide fire protection services in their respective jurisdictions; and

WHEREAS, on September 7, 1999, the Parties also entered into another agreement titled "AGREEMENT BETWEEN THE CITY OF TRACY AND TRACY RURAL FIRE PROTECTION DISTRICT REGARDING THE CITY OF TRACY'S EMPLOYMENT OF THE TRACY RURAL FIRE PROTECTION DISTRICT'S PERSONNEL" ("**Employment Agreement**"); and

WHEREAS, Original JPA Agreement was amended various times to address changes in the financial obligations of the Parties in light of operational and administrative needs ("**Amendments**"); and

WHEREAS, the Employment Agreement was also amended to reflect the Parties' changing needs; and

WHEREAS, the Parties are in the process of forming a new joint exercise of powers authority ("**New JPA Authority**") and now wish to dissolve the SCFA by terminating the Original JPA Agreement; and

WHEREAS, the financial obligations that are the subject of the Original JPA Agreement, Amendments and the Employment Agreement are still outstanding and the Parties wish to enter into this Agreement to terminate the Original JPA Agreement thereby dissolving the SCFA and to reach an mutually agreeable resolution regarding those outstanding financial obligations; and

WHEREAS, it is the Parties' mutual intention that this Agreement resolve all outstanding issues thereby allowing them to participate in the New JPA Authority without further obligations under the Original JPA Agreement, Amendments and the Employment Agreement; and

NOW, THEREFORE, in consideration of the recitals above, the mutual advantages to be derived, and the mutual covenants contained herein, it is agreed by and among the Parties hereto as follows:

### AGREEMENT

**1. Termination of Original JPA Agreement and Dissolution of SCFA.** The Parties mutually agree to waive the notice requirement under Section 8.1 of the Original JPA Agreement and agree to terminate the Original JPA Agreement and dissolve SCFA, effective July 1, 2018.

a. Assignment of Existing Contracts. All existing contracts for goods, services, and/or equipment entered into by SCFA are hereby assigned to the South San Joaquin County Fire Authority, subject to their acceptance by Board resolution.

**2. Obligations Regarding Accumulated Leave of Personnel Previously Employed by District.** Concurrently with the establishment of the SCFA, the Parties entered into the Employment Agreement to address their respective obligations regarding the costs of all sick leave and vacation leave accumulated ("**Accumulated Leave**") but not paid for employees who were still employed by District as of September 15, 1999 ("**District's Former Employees**") and subsequently hired by City.

- a. Existing Retirees' Accumulated Sick Leave. The current value of the Accumulated Sick Leave of District's Former Employees who retired while employed by the City prior to the effective date of this Agreement ("**Existing Retirees**"), is \$1,612,026.01 and as further described in Exhibit A. District remains responsible for the total cost of Existing Retirees' Accumulated Sick Leave, including interest at the Local Agency Investment Fund rate earned by City, compounded annually. District shall remit payment to the City for its share of the current value of Existing Retirees' Accumulated Sick Leave by the Effective Date of this Agreement in the amount of \$233,214.73. City shall also remit payment for its share of sick leave accumulated by Existing Retirees during their employment with City by the Effective Date of this Agreement in the amount of \$957,168.10. District's and City's payments shall be deposited and maintained in a trust by City to pay for Existing Retirees' medical premiums. The district shall have no liability or responsibility for vacation accrual on behalf of any existing retirees.
- b. Accumulated Leave and Other Accruals of District's Former Employees. City and District shall jointly fund the cost of Accumulated Leave and any other accruals due to District's Former Employees who separate from City. The amount of Accumulated Leave and accruals, and the value of the Accumulated Leave and accruals shall be determined in accordance with the Memorandum of Understanding with the Tracy Firefighters Association ("MOU") in effect at the date of separation of each employee. The City's and District's respective contributions to cover the cost of the Accumulated Leave and accruals shall be in accordance with the MOU or any other agreement entered into by the District and City, in effect at the date of separation of each employee.
- c. Termination of Employment Agreement. The Parties further agree to terminate the Employment Agreement, effective July 1, 2018, and to release both Parties from its obligations, except for Section 5 of the Employment Agreement.

**3. Pre-Paid Services and Cost-Split for Maintenance and Operations.** The Parties amended Sections 6.2 and 6.6 of the Original JPA Agreement by executing Amendment No. 6 on January 2, 2013, to reflect District's repayment of a loan from City and Parties' joint cost-sharing of the maintenance and operations for Fire Protection Services, Fire Dispatch Services, and other costs ("**Financial Obligations**"). The City's calculation of the outstanding loan amount as of June 30, 2017 was \$4,372,897. Following District's request that City reconsider the amount owed by District to City under the loan, and in consideration of District's contribution to the funding of Station 92's maintenance and operations (totaling \$731,718), City's receipt of Fire Prevention revenues, and past calculations of interest, the City agrees to reduce the outstanding loan amount owed by District to \$1,025,487 ("**Outstanding Balance**").

## SCFA Dissolution Agreement

- a. As consideration for City's reconsideration of Financial Obligations, District agrees that this Agreement is a full and final release of and from any such claims, demands, actions, and causes of action, in law or in equity, and all suits, debts, liens, claims, liabilities, obligations, demands, damages, losses, audit responsibilities, fiduciary responsibilities, present and future, known or unknown, contemplated or un contemplated, arising out of or in connection with the Original JPA Agreement, Amendments, and Employment Agreement, and for any and all damages of any kind whatsoever which have been or which might hereafter be incurred or sustained by the undersigned in connection with Original JPA Agreement, Amendments, and Employment Agreement, and which might exist against the undersigned herein or any other person in favor of the undersigned.
- b. District's obligations to repay City in and all amounts owed pursuant to the Amendments of the Original JPA Agreement and, in particular, the Outstanding Balance shall be deemed to be satisfied at the close of business on June 30, 2018.

#### **4. Ownership of Fire Stations.**

- a. Station 92. District hereby agrees that the resolution of Financial Obligations as set forth in Paragraph 4 entitles City to full ownership of Station 92 and District thereby relinquishes, releases, and waives any right to claim ownership of Station 92 now and in the future.
- b. Fire Stations in Overlapping Jurisdiction Areas. The Parties agree that the District shall own and operate all Fire Stations that are currently located or will be located in overlapping jurisdictions areas. If District ceases to operate a Fire Station, the Fire Station will revert back to City at no cost.

**5. Public Safety Facilities Fee.** City collects a Public Safety Facilities Fees ("PSF Fees"), also known as Fire Facilities Fees from all new development within the City to mitigate the impact of new development on public safety facilities in accordance with the City of Tracy's Citywide Public Safety Master Plan, adopted in 2013. City shall disburse to District PSF Fees collected after the execution of this Agreement that are attributable to mitigating the impact of new development on fire facilities located in District's jurisdictional boundaries. There are no PSF Fees for fire facilities being held by the City. Prior to City's disbursement of any PSF Fees to District, District shall execute an agreement indemnifying and holding City harmless for the District's maintenance, reporting, and use of the PSF Fee. In the event District adopts an impact fee in accordance with the Mitigation Fee Act (Government Code Section 66000, et seq), City shall reasonably cooperate with the collection of that fee. The City shall separate Fire PSF fees generated in the Fire District boundaries and report that amount to the Fire District quarterly and will not co-mingle said funds.

**6. Effective Date.** This Agreement shall take effect on July 1, 2018, unless otherwise agreed to in writing by City and District.

**7. Termination.** This Agreement may be terminated by either Party by giving written notice to the other Party sixty (60) days in advance of the proposed termination date.

**8. Dispute Resolution.** Each Party to this Agreement shall, in good faith, cooperate and assist the other in meeting the obligations contained herein. The Parties shall resolve their disputes informally to the maximum extent possible. The following process shall apply in the event either Party disputes any invoice, charge or obligation under this Agreement:

- a. If a Party disputes any obligation under the Agreement, the disputing Party shall notify the other Party, in writing, within fifteen (15) calendar days of the required payment or performance of the disputed obligation. The Parties shall endeavor to first informally resolve the dispute during those fifteen (15) days. If the Parties cannot informally resolve the dispute, they shall then attempt to resolve such dispute through non-binding mediation for a period not to exceed thirty (30) calendar days. If the Parties cannot mutually agree upon a mediator, then the presiding judge to the San Joaquin County Superior Court shall designate a mediator. The Parties shall contribute equally to the cost of mediation. If mediation is unsuccessful, the disputing Party may pursue litigation or any other remedies to resolve the dispute.

**9. Miscellaneous.**

- a. Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party. Communications shall be deemed to have been received on the first to occur of: (1) actual receipt at the address designated below, or (2) three working days after the deposit in the U.S. Mail of registered or certified mail, sent to the address below.

To City:  
City of Tracy  
City Manager  
333 Civic Center Plaza  
Tracy, California 95376

To District:  
Tracy Rural Fire Protection District  
c/o Bowman & Berreth  
1820 Kettleman Lane Suite F  
Lodi, California 95242

With a copy to:  
City Attorney  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

- b. Modifications. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
- c. Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
- d. Construction of Agreement. The Parties have each had an equivalent opportunity to participate in the drafting of this Agreement and to consult with legal counsel.



## SCFA Dissolution Agreement

Therefore, the usual construction of an agreement against the drafting party shall not apply hereto.

- e. **Jurisdiction and Venue.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

**10. Signatures.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of the respective legal entities. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

### CITY OF TRACY

By:   
Robert Rickman, Mayor

Date:

**ATTEST**

By:   
Adrienne Richardson, City Clerk

### APPROVED AS TO FORM

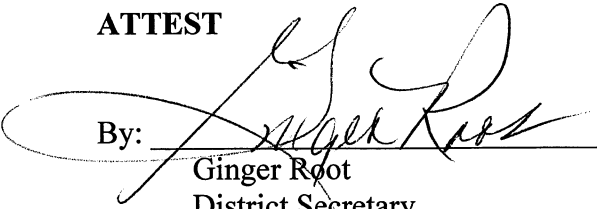
By:   
Thomas Watson, City Attorney

### TRACY RURAL FIRE PROTECTION DISTRICT

By:   
Chair

Date:

**ATTEST**

By:   
Ginger Root  
District Secretary

### APPROVED AS TO FORM BOWMAN & BERRETH, LLP

By:   
Mark Charles Bowman  
District Counsel

## AGENDA ITEM 3.A

### REQUEST

#### **PUBLIC HEARING TO CONSIDER INTRODUCING AN ORDINANCE APPROVING AN AMENDMENT TO THE ELLIS SPECIFIC PLAN FENCE REGULATIONS AND MINIMUM LOT WIDTH REQUIREMENTS**

### EXECUTIVE SUMMARY

This agenda item involves a public hearing to consider introducing an ordinance approving an amendment to the Ellis Specific Plan fence regulations and minimum lot width requirements.

### DISCUSSION

The Ellis Specific Plan was approved by the City Council on January 22, 2013 and amended by the City Council on May 17, 2016 and March 13, 2018. The Ellis Specific Plan serves as the zoning regulations for the approximately 321-acre site known as Ellis, which is located in the vicinity of Ellis Town Drive between Corral Hollow Road and Lammers Road.

On January 11, 2019, The Surland Companies submitted an application (Application Number SPA19-0001) for an amendment to the Ellis Specific Plan fence regulations and minimum lot width requirements (Attachment A – Proposed Amendment to the Ellis Specific Plan). Amendments to Specific Plans are common, especially in the early stages of project implementation.

The fence regulations within the Ellis Specific Plan are different from and more restrictive than those for the rest of the City, which was the developer's design intent throughout the lengthy development of the Ellis Specific Plan design standards. The proposed amendment is primarily related to corner lots, or more specifically, the street side yard of corner lots. A street side yard is the area between the side of a house and a street side property line, as opposed to the front yard, which is between the front of a house and the front property line. For clarification purposes, specific definitions for each yard type (i.e. front, side, street-side, and rear) are included in the proposed amendment.

For the street side yard of corner lots, the Ellis Specific Plan allows a 6 to 8-foot high fence to be placed only in the rear half of a lot. The current language in the Ellis Specific Plan does not make it clear whether a 3-foot high fence is permitted in the front half of a lot for street side yards. The proposed amendment is intended to clarify that a 3-foot high fence may be installed in the front half of a lot in the street side yard of a corner lot, similar to what is allowed for a front yard fence. Attachment B shows a conceptual fencing layout, which depicts the fence heights and fence locations that would be permitted by the proposed amendment.

Over the past year or more of construction at Ellis, the homebuilder (Lennar Homes) has installed approximately five fences in the wrong location on corner lots. Each of those cases involves a 6-foot high fence being placed in the front half of a lot in a street side yard. Some of the homeowners in these cases have expressed an interest in having a

3-foot high fence in the location of the existing 6-foot high fence. This proposed amendment would clarify that a 3-foot high fence is permitted.

The City issued a violation notice for one of the lots in August 2018. The City's code enforcement case has been placed on hold while this proposed amendment to the Ellis Specific Plan is being processed. Lennar Homes has committed to modifying the fences with acceptance by the homeowners, once the Planning Commission and City Council have taken action on the proposed amendment.

The proposed amendment would also establish that fences must be setback a minimum distance of two (2) feet from the front property line. The existing requirement in the Ellis Specific Plan that fences be setback five (5) feet minimum from a street side property line would remain.

Additionally, the proposed amendment to the Ellis Specific Plan would modify the minimum lot width for the Residential Mixed Zone (for front loaded lots, detached) from 50 feet to 45 feet. A 45-foot minimum lot width is the same as established for the Tracy Hills Specific Plan.

#### Planning Commission Discussion

The Planning Commission held a public hearing to consider this matter on January 23, 2019 and recommended that the City Council approve an amendment to the Ellis Specific Plan fence regulations and minimum lot width requirements.

#### Environmental Document

The proposed amendment to the Ellis Specific Plan is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)). Therefore, no further environmental assessment is required.

#### STRATEGIC PLAN

This agenda item is not related to the City Council's Strategic Plans.

#### FISCAL IMPACT

The City's costs for processing this development application were funded by the applicant's payment of the City's established fees.

#### RECOMMENDATION

Staff and the Planning Commission recommend that the City Council introduce and waive the full reading of an ordinance amending the Ellis Specific Plan fence regulations and minimum lot width requirements.

Prepared by: Scott Claar, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

ATTACHMENTS

Attachment A – Proposed Amendment to the Ellis Specific Plan

Attachment B – Conceptual Fencing Layout

Attachment C – Ordinance Approving an Amendment to the Ellis Specific Plan

## **ELLIS SPECIFIC PLAN / PATTERN BOOK AMENDMENT**

### Ellis Specific Plan Amendment

Amend the first sentence of Section 3.5.19 on page 21 of Section 3 of the Ellis Specific Plan to read as follows:

“Fences shall meet all requirements of the Tracy Municipal Code, except as otherwise specified in this section or Appendix A: Ellis Pattern Book.”

Delete the following statement from Section 3.5.19 on page 21 of Section 3 of the Ellis Specific Plan:

“The permitted maximum height within any required front yard shall be no greater than three feet measured vertically from the top of the fence to the grade of the sidewalk nearest the property line.”

### Ellis Pattern Book Amendment

All fence requirements and fence setbacks shown on Pages 2/8, 2/12, 2/16, 2/20, 2/24, 2/28, 2/32, 2/36, 2/40, 2/44, 2/48, 2/52, 2/56, 2/60, 2/61c, and 2/61g of the Ellis Pattern Book shall be amended to read as follows:

#### **“FENCE REQUIREMENTS**

>> Maximum height of a fence in the front yard: 3 feet

Note: For the purposes of this section, “front yard” means the area extending across the full width of a lot between the front façade of a house and the front lot line.

>> Maximum height of a fence in a side yard or rear yard: 8 feet (6 feet if located in a public utility easement)

Note: For the purposes of this section, “side yard” means the area extending from the rear line of the front yard to the front line of the rear yard, between a side façade of a house and a non-street side lot line. “Rear yard” means the area extending across the full width of a lot between the rear façade of a house and the rear lot line.

>> Maximum height of a fence in a street side yard in the rear half of a lot: 8 feet (6 feet if located in a public utility easement)

Note: For the purposes of this section, “street side yard” means the area extending from the rear line of the front yard to the front line of the rear yard, between the street side façade of a house and the street side lot line on corner lots.

>> Maximum height of a fence in a street side yard in the front half of a lot: 3 feet, except that a 6 to 8-foot high fence may extend from the rear half of a lot into the front half of a lot as far as necessary to abut the fence with any point on the rear half of a house.

>> Any fence of 6 feet in height or greater that is facing a public street or public space shall be constructed with a lattice design for a minimum of the top 1 foot of the fence height.

#### FENCE SETBACKS

>> 2 feet minimum from the front lot line

>> 5 feet minimum from a street side lot line

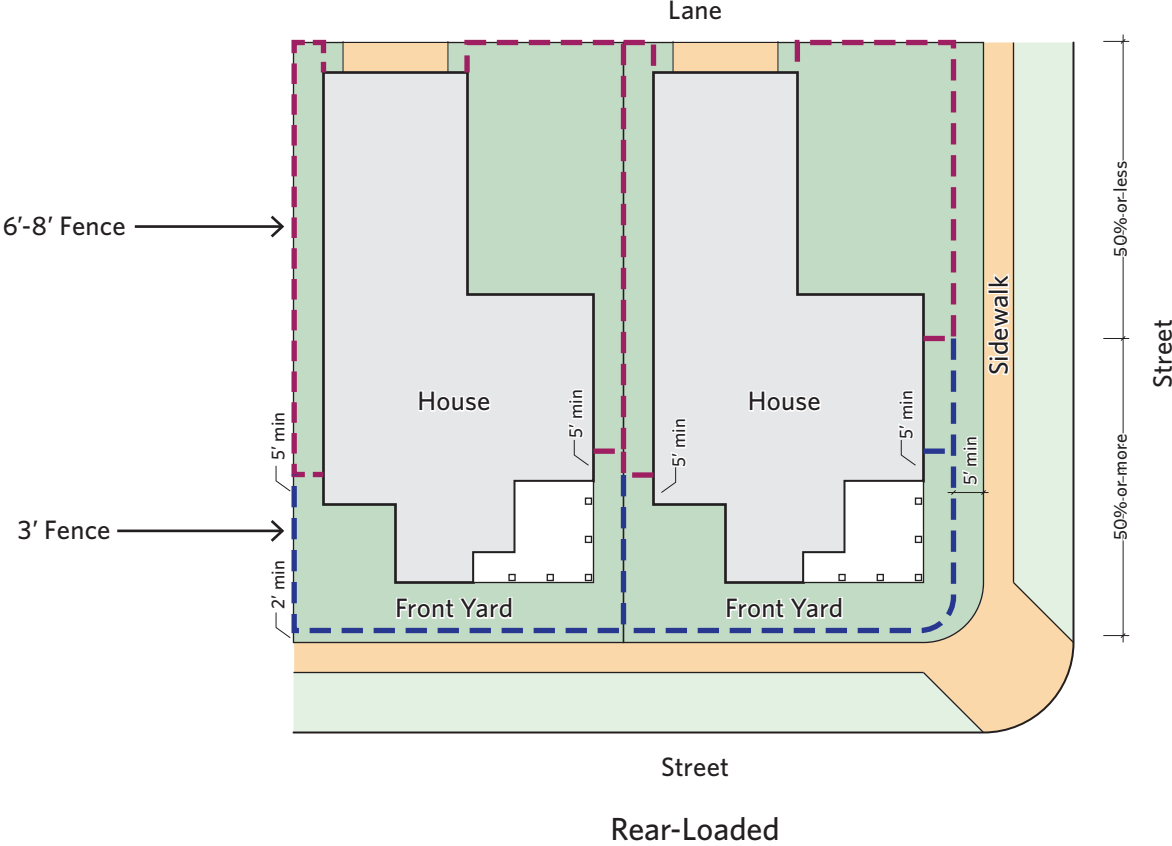
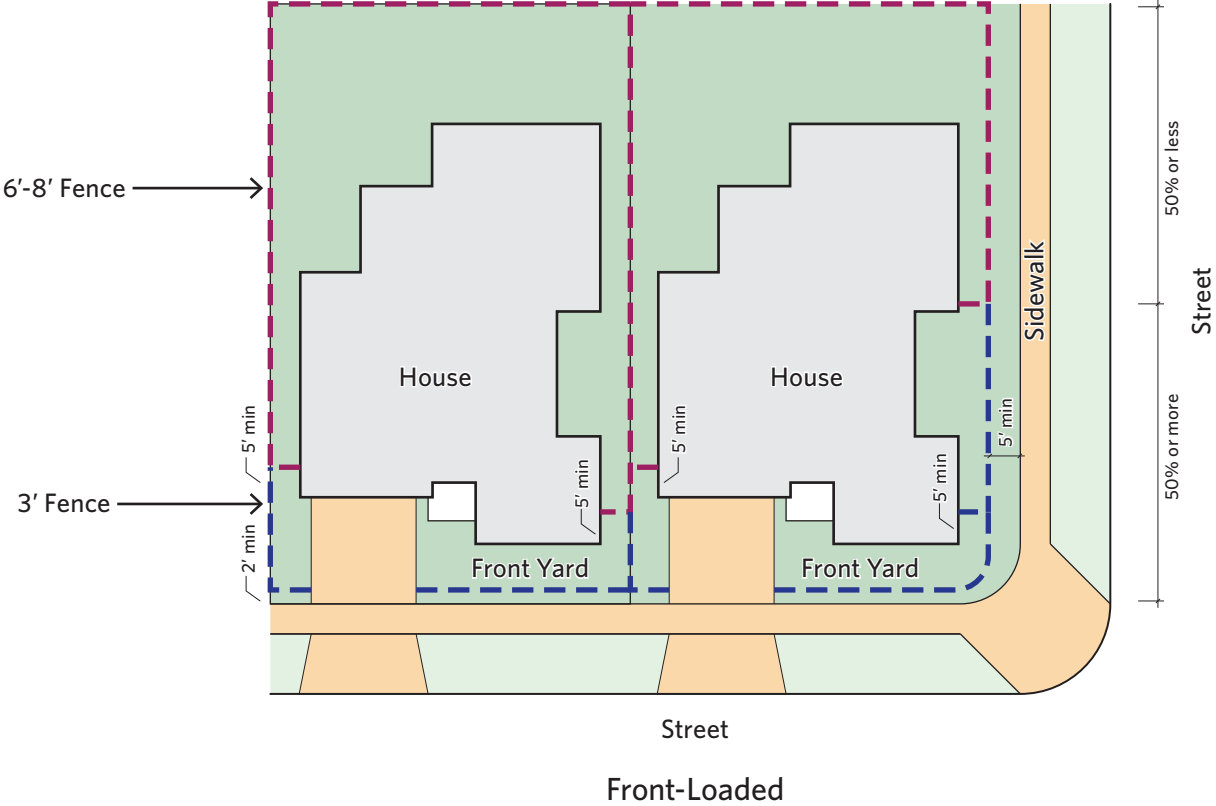
>> 0 feet minimum from a non-street side lot line

>> 0 feet minimum from the rear lot line

>> Where any fence abuts a house, the fence must be setback a minimum distance of 5 feet from the front façade of the house (porch excluded)”

Residential Development Standards, Lot Width for Residential Mixed (Front Loaded Lots, Detached), shown on Page 2/74 of the Ellis Pattern Book shall be amended to read as follows:

“45 ft. min.; provided, however, lots on cul-de-sacs or knuckles shall have a minimum width of 35 feet at the front property line.”



URBAN DESIGN ASSOCIATES

FOR ILLUSTRATIVE PURPOSES ONLY

CONCEPTUAL FENCING LAYOUT

01/09/2019

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TRACY AMENDING THE ELLIS SPECIFIC PLAN  
FENCE REGULATIONS AND MINIMUM LOT WIDTH REQUIREMENTS, APPLICATION  
NUMBER SPA19-0001

WHEREAS, The Ellis Specific Plan was approved by the City Council on January 22, 2013 and amended by the City Council on May 17, 2016 and March 13, 2018; and

WHEREAS, The Ellis Specific Plan serves as the zoning regulations for the approximately 321-acre site known as Ellis, which is located in the vicinity of Ellis Town Drive between Corral Hollow Road and Lammers Road; and

WHEREAS, On January 11, 2019, The Surland Companies submitted an application for an amendment to the Ellis Specific Plan fence regulations and minimum lot width requirements (Application Number SPA19-0001); and

WHEREAS, The proposed amendment is primarily intended to clarify that a 3-foot high fence may be installed in the front half of a lot in the street side yard of a corner lot, similar to what is allowed for a front yard fence; and

WHEREAS, The proposed amendment would also establish that fences must be setback two feet minimum from the front property line; and

WHEREAS, The proposed amendment would modify the minimum lot width for the Residential Mixed Zone (for front loaded lots, detached) from 50 feet to 45 feet; and

WHEREAS, The proposed amendment is consistent with the City's General Plan; and

WHEREAS, The proposed amendment to the Ellis Specific Plan is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)). Therefore, no further environmental assessment is required; and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on January 23, 2019 and recommended that the City Council approve the amendment to the Ellis Specific Plan fence regulations and minimum lot width requirements; and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on February 5, 2019;

The City Council of the City of Tracy does ordain as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein as findings.



SECTION 2. The City Council hereby approves the amendment to the Ellis Specific Plan fence regulations and minimum lot width requirements, Application Number SPA19-0001, as shown in Exhibit "1" attached.

SECTION 3. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 4. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

\* \* \* \* \*

The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council on the 5<sup>th</sup> day of February 2019, and finally adopted on the \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

|          |                  |
|----------|------------------|
| AYES:    | COUNCIL MEMBERS: |
| NOES:    | COUNCIL MEMBERS: |
| ABSENT:  | COUNCIL MEMBERS: |
| ABSTAIN: | COUNCIL MEMBERS: |

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

## **ELLIS SPECIFIC PLAN / PATTERN BOOK AMENDMENT**

### Ellis Specific Plan Amendment

Amend the first sentence of Section 3.5.19 on page 21 of Section 3 of the Ellis Specific Plan to read as follows:

“Fences shall meet all requirements of the Tracy Municipal Code, except as otherwise specified in this section or Appendix A: Ellis Pattern Book.”

Delete the following statement from Section 3.5.19 on page 21 of Section 3 of the Ellis Specific Plan:

“The permitted maximum height within any required front yard shall be no greater than three feet measured vertically from the top of the fence to the grade of the sidewalk nearest the property line.”

### Ellis Pattern Book Amendment

All fence requirements and fence setbacks shown on Pages 2/8, 2/12, 2/16, 2/20, 2/24, 2/28, 2/32, 2/36, 2/40, 2/44, 2/48, 2/52, 2/56, 2/60, 2/61c, and 2/61g of the Ellis Pattern Book shall be amended to read as follows:

#### **“FENCE REQUIREMENTS**

>> Maximum height of a fence in the front yard: 3 feet

Note: For the purposes of this section, “front yard” means the area extending across the full width of a lot between the front façade of a house and the front lot line.

>> Maximum height of a fence in a side yard or rear yard: 8 feet (6 feet if located in a public utility easement)

Note: For the purposes of this section, “side yard” means the area extending from the rear line of the front yard to the front line of the rear yard, between a side façade of a house and a non-street side lot line. “Rear yard” means the area extending across the full width of a lot between the rear façade of a house and the rear lot line.

>> Maximum height of a fence in a street side yard in the rear half of a lot: 8 feet (6 feet if located in a public utility easement)

Note: For the purposes of this section, “street side yard” means the area extending from the rear line of the front yard to the front line of the rear yard, between the street side façade of a house and the street side lot line on corner lots.

>> Maximum height of a fence in a street side yard in the front half of a lot: 3 feet, except that a 6 to 8-foot high fence may extend from the rear half of a lot into the front half of a lot as far as necessary to abut the fence with any point on the rear half of a house.

>> Any fence of 6 feet in height or greater that is facing a public street or public space shall be constructed with a lattice design for a minimum of the top 1 foot of the fence height.

#### FENCE SETBACKS

>> 2 feet minimum from the front lot line

>> 5 feet minimum from a street side lot line

>> 0 feet minimum from a non-street side lot line

>> 0 feet minimum from the rear lot line

>> Where any fence abuts a house, the fence must be setback a minimum distance of 5 feet from the front façade of the house (porch excluded)”

Residential Development Standards, Lot Width for Residential Mixed (Front Loaded Lots, Detached), shown on Page 2/74 of the Ellis Pattern Book shall be amended to read as follows:

“45 ft. min.; provided, however, lots on cul-de-sacs or knuckles shall have a minimum width of 35 feet at the front property line.”

AGENDA ITEM 3.B

REQUEST

**APPROVE AN EMPLOYMENT AGREEMENT BETWEEN MIDORI LICHTWARDT AND THE CITY OF TRACY TO SERVE AS INTERIM CITY MANAGER**

EXECUTIVE SUMMARY

On January 15, 2019, City Council appointed Midori Lichtwardt to serve as Interim City Manager effective February 1, 2019. Staff recommends that the City Council approve an at-will employment agreement with Midori Lichtwardt to serve as Interim City Manager.

DISCUSSION

The City Council recently appointed Midori Lichtwardt to serve as Interim City Manager. Staff recommends that the City Council adopt a resolution approving an employment agreement with Ms. Lichtwardt. The attached proposed employment agreement provides that:

- Effective February 1, 2019, Ms. Lichtwardt shall serve as the Interim City Manager until the effective date of the appointment of a City Manager by City Council. However, either party may terminate the agreement earlier upon giving written notice to the other party.
- Ms. Lichtwardt shall receive an additional ten percent (10%) over her current salary as Assistant City Manager during the term of the Agreement (Interim salary would be \$20,007.22/mo).
- Ms. Lichtwardt shall continue to receive the same rights and benefits as those conferred to department heads in the most currently adopted Department Head Compensation and Benefit Plan during the term of the Agreement.
- The City shall continue to contribute to Ms. Lichtwardt's retirement in accordance with the appropriate California Public Employees' Retirement System (CalPERS) formula as required to CalPERS during the term of the Agreement.
- At the termination of the Agreement, Ms. Lichtwardt shall have the right to return to the position of Assistant City Manager.

STRATEGIC PLAN

This agenda item is a routine operation item and is not related to the City Council's Strategic Plans.

FISCAL IMPACT

The fiscal impact of this action is offset by the savings realized by the vacant permanent City Manager position.

RECOMMENDATION

That the City Council approve, by resolution, an at-will employment agreement with Midori Lichtwardt to serve as Interim City Manager

Prepared by: Kimberly Murdaugh, Director of Human Resources

Reviewed by: Thomas Watson, City Attorney  
Karin Schnaider, Finance Director

Approved by: Thomas Watson, City Attorney

Attachment: Exhibit A - Proposed Employment Agreement – Midori Lichtwardt

**EMPLOYMENT AGREEMENT BETWEEN MIDORI LICHTWARDT  
AND THE CITY OF TRACY TO SERVE AS INTERIM CITY  
MANAGER**

This Employment Agreement ("Agreement") is made and entered into by and between the City of Tracy, a municipal corporation ("City") and Midori Lichtwardt, an individual ("Lichtwardt"). City and Lichtwardt are sometimes referred to herein collectively as "Parties."

**RECITALS**

WHEREAS, Lichtwardt currently serves as the Assistant City Manager; and

WHEREAS, City desires to employ Lichtwardt as its interim City Manager for the City of Tracy and Lichtwardt desires to accept employment as interim City Manager; and

WHEREAS, Parties seek to establish the terms and conditions of employment in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth below, the Parties hereto agree as follows:

1. **Employment.** City agrees to employ Lichtwardt as interim City Manager to perform the functions and duties of a City Manager in accordance with Tracy Municipal Code (TMC), including Chapter 2.08 of Title 2 of the TMC, and applicable state law, and to perform other legally permissible and proper duties and functions as the City Council shall from time to time assign. Lichtwardt shall serve at the will and pleasure of City Council, pursuant to the terms and limitations of this Agreement.

2. **Term.** This Agreement shall be effective on February 1, 2019 and terminate upon the effective date of the appointment of a City Manager by City Council, unless terminated earlier by either City or Lichtwardt. Either party may terminate this Agreement upon giving written notice to the other party.

3. **Compensation.** During the term of this Agreement, Lichtwardt shall receive \$20,007.22 per month which is ten percent (10%) over her current base salary for Assistant City Manager.

4. **Benefits.** Lichtwardt shall receive the same rights and benefits as those conferred to department heads in the most currently adopted Department Heads Compensation and Benefits Plan. City shall contribute to Lichtwardt's retirement in accordance with the appropriate California Public Employees' Retirement System (CalPERS) formula as required by CalPERS.

5. **Return to Assistant City Manager Position.** Upon termination of this Agreement, Lichtwardt shall have the right to return to the position as Assistant City Manager.

6. **Entire Agreement.** This Agreement contains the entire agreement between the parties concerning the subject matter of this agreement. This Agreement shall supersede, and render null and void any and all prior agreements between the parties to this Agreement concerning the subject matter of this Agreement. This Agreement may only be amended by written instrument signed by City and Lichtwardt and specifically approved by the City Council in open session.

7. **Representation by Counsel.** Lichtwardt and City acknowledge that they each did, or had

the opportunity to, consult with legal counsel of their respective choices with respect to the subject matter of this Agreement prior to signing it.

8. **Applicable Law.** This Agreement is signed and delivered in the State of California and the rights and obligations of the parties under this Agreement shall be construed and enforced in accordance with the laws of the State of California.

9. **Waiver.** No waiver by any party of any breach of any term or provision of this Agreement shall be construed to be, nor shall be, a waiver of any preceding, concurrent or succeeding breach of the same or any other term or provision of this Agreement.

10. **Interpretation.** This Agreement is deemed to have been drafted jointly by the parties to this Agreement. Any uncertainty or ambiguity shall not be construed for or against any party based upon attribution of drafting to any party.

11. **Severability.** If any provision of this Agreement is held unconstitutional, invalid or unenforceable, that invalidity shall not affect any other provisions which could be given effect without the invalid provision.

12. **Counterparts.** This Agreement may be executed in several counterparts, and shall be admissible in counterparts. All executed copies are duplicate originals and are equally admissible in evidence.

**City of Tracy**

**Midori Lichtwardt**

\_\_\_\_\_  
Robert Rickman, Mayor

\_\_\_\_\_  
Midori Lichtwardt

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

Approved as to form:

\_\_\_\_\_  
Thomas Watson, City Attorney

RESOLUTION 2019 - \_\_\_\_\_

APPROVING AN AT-WILL EMPLOYMENT AGREEMENT BETWEEN MIDORI LICHTWARDT  
AND THE CITY OF TRACY TO SERVE AS INTERIM CITY MANAGER

WHEREAS, Midori Lichtwardt is currently the City's Assistant City Manager; and

WHEREAS, The City desires to employ Ms. Lichtwardt as its Interim City Manager  
subject to the terms and conditions set forth in the Employment Agreement between Midori  
Lichtwardt and the City of Tracy ("Agreement"), and

WHEREAS, Ms. Lichtwardt desires to be employed by the City of Tracy as its Interim  
City Manager subject to the terms and conditions set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy  
hereby approves the Employment Agreement between Midori Lichtwardt attached to this  
agenda item.

\* \* \* \* \*

The foregoing Resolution 2019 - \_\_\_\_\_ was adopted by the Tracy City Council on the 5<sup>th</sup>  
day of February, 2019 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK



February 5, 2019

### AGENDA ITEM 3.C

#### REQUEST

#### **RECEIVE AND FILE THE CITY OF TRACY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2018**

#### EXECUTIVE SUMMARY

The City's auditor, Maze & Associates, has completed the review of the annual financial statements for the fiscal year ending June 30, 2018. The audited financial statements are incorporated into a Comprehensive Annual Financial Report (CAFR). The auditors have issued an unmodified ("clean") audit opinion. An unmodified opinion indicates that the financial data of the City is fairly presented in accordance with accounting principles generally accepted in the United States of America and the standards applicable to financial audits contained in Government Audit Standards, issued by the Comptroller General of the United States. These standards require that the auditors plan and perform the audits to obtain reasonable assurance as to whether the financial statements are free of material misstatement.

#### DISCUSSION

The City Council, on July 21, 2015, authorized the appointment of Maze & Associates as the City's Auditor for fiscal years 2014-15 through 2016-17. On September 5, 2017, the City Council authorized the extension of the contract for the fiscal year 2017-18. The City is required to have an independent audit of its financial records conducted on an annual basis. The auditors have completed their review of the June 30, 2017 financial statements and have issued an unmodified opinion stating that the "financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Tracy..."

The audited financial statements are incorporated into a Comprehensive Annual Financial Report, which provides additional analytical and statistical information to fully describe the City's financial condition. The CAFR is submitted to the Government Financial Officers Association of the United States and Canada (GFOA) for consideration of Award of the Certificate of Achievement for Excellence in Financial Reporting. The City has received this award for 30 consecutive years.

At June 30, 2018, the City's governmental funds reported combined fund balances of \$189.6 million, which is an increase of \$20 million or 11.8%, from \$169.6 million at June 30, 2017. Governmental fund revenues, increased \$31.4 million or 25%, from \$124.9 million at June 30, 2017 to \$156.4 million at June 30, 2018. The General Fund accounted for \$74.8 million of this total. The increase in revenues came from Measure V general sales tax, special assessment property taxes, developer fees and intergovernmental revenue or grants. Expenditures increased by \$22 million or 20.4%, from \$107.7 million at June 30, 2017 to \$129.7 million at June 30, 2018. Of this total, \$62.5 million was in the General Fund. Expenditures increased in relation to capital outlay for capital improvement projects and the addition of City staff.

At June 30, 2018, the General Fund balance of \$38.3 million; a decrease of \$2.5 million from the prior year. The fund balance reserves are comprised of \$1.5 million in Non-spendable funds, \$15 million Committed funds for contingency/emergency reserve, and \$21 million in Assigned funds. The remaining \$.8 million is Unassigned. Fund balances have been classified in accordance with generally accepted accounting principles. (See table on the next page taken from CAFR Note 9.)

Fiscal Year 2017-18 was the second year of "Measure V" collection; a voter approved additional half-cent sales tax approved in the November 2016 elections. The amount of Measure V tax proceeds received and recorded during fiscal year 2017-18 was \$9,022,126. Annual proceeds will pay for Council approved City operations and capital projects. The City Council has committed the use of Measure V resources to amenitizing the community with a tournament quality sports complex, Legacy Fields, a new aquatic center, and a new Multi-Generational Community and Gymnasium Center. These funds have been earmarked in the Assigned Fund Balance.

In May 2018, during the discussion of the Fiscal Year Ending June 30, 2017 CAFR, the City Council asked staff to return with a table detailing the remaining balances of Measure E. Measure E funds were committed to funding position during the FY 2016-2017 budgets and beyond. Below is a table showing the use of these funds over a two-year budget process. As of June 30, 2018, the remaining Measure E funds were exhausted.

## Measure E

|                                                                                                                                             | <b>FY17</b>    | <b>FY18</b>  |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------|
| Beginning Fund Balance                                                                                                                      | \$ 7,000,000   | \$ 1,043,567 |
| <b>Expenses:</b>                                                                                                                            |                |              |
| Use of Measure E to Balance FY17 GF Budget                                                                                                  | \$ (3,874,172) |              |
| Reso 2017-035 GF Supplemental Appropriations: PW staff;<br>PD dispatchers & community services officers; Code<br>Enforcement; Fire overtime | \$ (2,082,261) | \$ (897,067) |
| Reso 2017-159 Addition of Fire Captain                                                                                                      |                | \$ (146,500) |
| Ending Fund Balance                                                                                                                         | \$ 1,043,567   | \$ -         |

The table below shows the detailed classifications of the City's Fund Balances as of June 30, 2018:

| Fund Balance Classifications |                             |  | General Fund | Special Revenue | Debt Services | Capital Projects | Other Governmental | Total       |
|------------------------------|-----------------------------|--|--------------|-----------------|---------------|------------------|--------------------|-------------|
| <b>Nonspendable:</b>         |                             |  |              |                 |               |                  |                    |             |
|                              | Advances                    |  | 1,042,000    |                 |               |                  |                    | 1,042,000   |
|                              | Loans Receivable            |  | 482,841      |                 |               |                  |                    | 482,841     |
|                              | <b>Total Nonspendable</b>   |  | 1,524,841    | -               | -             | -                | -                  | 1,524,841   |
| <b>Restricted for:</b>       |                             |  |              |                 |               |                  |                    |             |
|                              | Housing                     |  |              | 4,201,643       |               |                  |                    | 4,201,643   |
|                              | Special Area Projects       |  |              |                 |               | 40,576,918       | 93,585,733         | 134,162,651 |
|                              | Public Safety               |  |              |                 |               |                  | 416,727            | 416,727     |
|                              | Debt Service                |  |              |                 | 651,884       |                  | 348,558            | 1,000,442   |
|                              | Community Development       |  |              |                 |               |                  | 201,993            | 201,993     |
|                              | Asset Forfeiture            |  |              |                 |               |                  | 1,124,285          | 1,124,285   |
|                              | Streets and Roads           |  |              | 156,047         |               |                  | 5,106,715          | 5,262,762   |
|                              | Landscaping District        |  |              |                 |               |                  | 5,662,113          | 5,662,113   |
|                              | Fire Authority              |  |              | 62,972          |               |                  |                    | 62,972      |
|                              | Cable TV                    |  |              |                 |               |                  | 499,509            | 499,509     |
|                              | Tracy Grow                  |  |              |                 |               |                  | 1,000,000          | 1,000,000   |
|                              | <b>Total Restricted</b>     |  | -            | 4,420,662       | 651,884       | 40,576,918       | 107,945,633        | 153,595,097 |
| <b>Committed to:</b>         |                             |  |              |                 |               |                  |                    |             |
|                              | Contingency/Emergency       |  | 14,960,997   |                 |               |                  |                    | 14,960,997  |
|                              | <b>Total Committed</b>      |  | 14,960,997   | -               | -             | -                | -                  | 14,960,997  |
| <b>Assigned to:</b>          |                             |  |              |                 |               |                  |                    |             |
|                              | Animal Control Trust        |  | 22,193       |                 |               |                  |                    | 22,193      |
|                              | Measure V                   |  | 7,550,250    |                 |               |                  |                    | 7,550,250   |
|                              | Economic/Budget Stability   |  | 7,480,499    |                 |               |                  |                    | 7,480,499   |
|                              | Prior Year Reappropriation: |  | 1,594,000    |                 |               |                  |                    | 1,594,000   |
|                              | 2019 Budget Appropriation   |  | 4,350,000    |                 |               |                  |                    | 4,350,000   |
|                              | Capital Projects            |  |              |                 |               | 5,908,810        |                    | 5,908,810   |
|                              | <b>Total Assigned</b>       |  | 20,996,942   | -               | -             | 5,908,810        | -                  | 26,905,752  |
| <b>Unassigned:</b>           |                             |  |              |                 |               |                  |                    |             |
|                              | Unassigned                  |  | 842,109      | (8,173,679)     |               |                  | (18,732)           | (7,350,302) |
|                              | <b>Total Unassigned</b>     |  | 842,109      | (8,173,679)     | -             | -                | (18,732)           | (7,350,302) |
|                              | <b>Total Fund Balances</b>  |  | 38,324,889   | (3,753,017)     | 651,884       | 46,485,728       | 107,926,901        | 189,636,385 |

## STRATEGIC PLAN

This agenda item addresses Goal 2 of the Governance Strategy to ensure continued fiscal sustainability through financial and budgetary stewardship.

## FISCAL IMPACT

There is no fiscal impact associated with this action.

RECOMMENDATION

To receive and file the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2018.

Prepared by: Martha Garcia, Finance Manager

Reviewed by: Karin Schnaider, Finance Director

Approved by: Midoria Lichtwardt, Assistant City Manager

ATTACHMENTS

Attachment A – Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2018 (Oversized: Available at the City Clerk's Office in City Hall and on the City of Tracy Website at:

[https://www.cityoftracy.org/documents/?d=Comprehensive Annual Financial Report Year Ended June 30 2018.pdf](https://www.cityoftracy.org/documents/?d=Comprehensive+Annual+Financial+Report+Year+Ended+June+30+2018.pdf)

AGENDA ITEM 3.D

REQUEST

**DISCUSS POTENTIAL REGULATIONS FOR COMMERCIAL CANNABIS ACTIVITY  
AND PROVIDE DIRECTION TO STAFF**

EXECUTIVE SUMMARY

On January 15, 2019, the City Council passed an urgency ordinance to continue banning commercial cannabis activities in Tracy. The urgency ordinance is effective for 45 days, until March 1, 2019. Staff is seeking direction from the City Council whether to return on February 19th with an ordinance to permanently ban commercial cannabis activity or extend the ban until an ordinance to allow certain commercial cannabis activity is in effect. If the latter is desired by Council, staff requests that Council provide direction on what type of commercial cannabis activity will be allowed within the City.

DISCUSSION

Beginning in July 2017, staff began a series of community education and outreach efforts related to the passage of Proposition 64 and the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"); which legalized the use of non-medicinal (recreational) marijuana by adults and the cultivation of up to six marijuana plants for personal use; and also created a statewide regulatory framework for the cultivation, production, and sale of non-medical marijuana (or cannabis) for adult use. On December 5, 2017, Council directed staff to prepare an ordinance to allow up to two medical cannabis non-storefront (i.e., delivery only) retailers (i.e., dispensaries) to operate in the City's industrial locations, subject to a high level of regulation and oversight by the City. In addition, City Council authorized a special tax to be placed on the November 2018 election.

Staff formed an internal working group, guided by the City Attorney's Office and outside consulting firm HdL to draft ordinance language. In May 2018, staff returned with a proposed use-tax ordinance setting a maximum 15% total tax on all cannabis business activities, with a maximum 6% tax on medical retail sales, subject to Consumer Price Index (CPI) increases. Prior to the November 2018 election, staff returned in September 2018 with two draft ordinances: (1) an amendment to Chapter 6.36 of the Tracy Municipal Code (TMC) and (2) an amendment to Section 10.08.3196 of the TMC. These proposed ordinances and regulations would create a regulatory permitting scheme for cannabis delivery businesses and cannabis delivery employees. The amendment to Section 10.08.3196 would establish zoning and locational requirements for cannabis delivery only establishments that would make them conditional uses in certain industrial areas in the City. The Council placed Measure D, a special tax measure for commercial cannabis activity, on the November 2018 ballot. Measure D failed to obtain the required two-thirds voter approval.

On January 15, 2019, staff returned to the City Council to adopt an urgency ordinance continuing the current ban of all commercial cannabis activities because the City's prior ban expired on December 31, 2018. The Council requested an agenda item to reconsider the issue of continuing the ban or allowing commercial cannabis activity in

the City. To facilitate the discussion, staff compiled a list of all prior City Council and Planning Commission meeting staff reports, minutes, and where applicable, videos of the meetings' discussions. (Attachment A)

**Key points from prior meetings:**

- The City conducted an informal public survey to receive input on commercial cannabis:

*Survey Results:*

- *51-59% of survey respondents do not support the ban on dispensary commercial activities:*
    - *An average of fifty-five percent (55%) of respondents did not support the continued ban on commercial cannabis activities, while 45% supported the ban.*
    - *These results mirror the City's vote on Proposition 64 in November 2016.*
  - *57% wanting the ban removed for medical dispensaries.*
    - *Comments from the public at the workshops expressed a similar support for removing the ban on medical dispensaries.*
  - *59% wanting the ban removed for testing facilities*
    - *This level of support may be due to a general support for the testing of cannabis, thus it may not necessarily translate that this business activity is desired within the City of Tracy.*
    - *Further information may be needed to vet this response.*
- Staff was directed to consider zoning for two medical only non-storefront retailers, preferably in industrial areas of the City. Staff recommended four zones. On July 25, 2018, the Planning Commission held a public hearing to consider the proposed zoning amendment to Section 10.08.3196. The Planning Commission recommended the proposed amendments. See Attachment B for the draft ordinances: (1) an amendment to Chapter 6.36 of the Tracy Municipal Code (TMC) and (2) an amendment to Section 10.08.3196 of the TMC.
  - City Council asked staff to estimate the potential impact of allowing commercial cannabis activity on current service levels across City departments.
    - Included in this report are Attachments C and D, which speak to the current service levels impacts related to policing, code enforcement, and fire protection.
      - Although Proposition 64 went into effect in January 2018, the growth of the commercial cannabis industry has been slow in many parts of the Central Valley. As a result, there has been little evidence to show either a positive or a negative impact on service levels related to the passage of Proposition 64.
    - It is unknown if, and how, the current service level impacts would change if the City allowed commercial cannabis activity. It is also unknown how the new State regulation allowing cannabis deliveries within the City of Tracy will impact service levels. (See regulation updates below).

- Comparable to existing permitting and business regulation processes in Tracy and estimates seen in other agencies. Staff estimates the impact of 6.25 full time equivalents (FTE). The majority of the staffing, 4.75 FTE, would be new staff for Police and Fire for initial applicant screening and on-going site inspection and compliance. While these times estimates were first considered in December 2017, staff believes they accurately represent known impacts today.

In addition, these time estimates were calculated assuming two non-store front retailers. The estimated costs are approximately \$500,000 per retailer annually. The costs related to processing applications and regulating commercial cannabis would likely be recovered through fees collected from these businesses. It should be noted, that regulatory consulting services are now available to handle these administrative tasks and ongoing inspections, which would lessen the burden and impact on City staff and may reduce the cost to applicants. The costs associated with these consulting services may be recovered through fees.

**Estimated Service Level Impacts for Regulating Cannabis**  
*(For two non-storefront retailers)*

| DEPARTMENT                           | FULL TIME<br>EQUIVALENT |
|--------------------------------------|-------------------------|
| Fire                                 | 1.75                    |
| Police                               | 3.00                    |
| Planning                             | 0.25                    |
| Building, Code Enforcement, Other DS | 0.75                    |
| City Attorney's Office               | 0.25                    |
| Finance                              | 0.25                    |

**Updates on the State and Local Level:**

As the City has continued to evaluate the regulation of commercial cannabis activity, the State has continued to adopt new regulations regarding commercial cannabis activity. The State's regulations are drawing less of a distinction between medical and adult use cannabis activity, with the primary difference being the taxing of the product in that sales/use tax cannot be imposed on medicinal cannabis purchases if the consumer produces a physician's recommendation at the time of purchase. In addition, the Bureau of Cannabis Control recently adopted regulations that clarified that local jurisdictions cannot ban deliveries occurring within their boundaries. (Attachment E from HDL)

Locally, various surrounding jurisdictions have taken action to either ban all commercial cannabis activity or allow certain uses. The table below summarizes those actions and Attachment F provides more detail.

| <b>LOCAL JURISDICTIONS AND COMMERCIAL CANNABIS ACTIVITY</b> |                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Manteca, Lodi, Ripon, Lathrop                               | Banned. City of Lodi and City of Ripon, per resolution, also opposed the San Joaquin County Cannabis Tax Measure (Measure B).                                                                                                                                                                                                                                                                                                 |
| Livermore                                                   | Banned. Ordinance prohibiting all commercial cannabis activities, with a limited exception for the delivery of medicinal cannabis from a properly licensed dispensary outside Livermore to qualified patients and primary caregiver in Livermore.                                                                                                                                                                             |
| Modesto                                                     | Retail dispensary commercial cannabis businesses are limited to a maximum of 10 within Modesto City limits. Measure T passed in November 2017 with 82.5% voting in favor. Per resolution, cannabis business tax rates range from 2.5% to 8%, depending on the business type.                                                                                                                                                  |
| Stockton                                                    | Ordinance allowing medical cannabis dispensaries to sell adult-use cannabis and for medical cultivation business to grow adult-use cannabis. Allowable dispensaries within City limits is five and allowable cultivation operator permits is four.                                                                                                                                                                            |
| San Joaquin County                                          | Currently banned but Board voted in January 2019 to allow all types of medical and adult-use commercial cannabis businesses except outdoor cultivation and cannabis events in the unincorporated County with specific license, operating, and land use requirements. The County placed a Commercial Cannabis Business Tax (Measure B) on the November 2018 ballot. Measure B failed to obtain the required 2/3 majority vote. |
| Alameda County                                              | In 2017 County allowed commercial medical cannabis cultivation, retail and delivery operations. May 2018, County adopted ordinance amendments to allow permitted cannabis cultivation operations to grow both medical and adult use cannabis and retail operations to sell medical and adult use cannabis.                                                                                                                    |

### **Next steps**

The City currently has a temporary ban in place for all commercial cannabis activities which was established via an urgency ordinance adopted on January 15, 2019. Staff is seeking direction from the City Council on whether to return with a permanent ban; or to return with a temporary ban and an ordinance that allows commercial cannabis activity, as directed by Council. To assist in the discussion, staff has returned with the same decision tree provided at the December 5, 2017 meeting.

Option1: Return with a permanent ban of all commercial cannabis activity.

Option 2: Return with an ordinance creating a temporary ban until an ordinance to allow two non-storefront (delivery only) medical cannabis retail stores takes effect. Staff had previously drafted the regulatory ordinance including a zoning map recommended for approval by the Planning Commission; Attachment B. The regulatory process is expected to take an additional 60-90 days, from the second reading of the applicable regulatory ordinance, to finalize the application process.



- The City could continue to limit only medical cannabis, however, as the State is making less of a distinction between medical and adult use cannabis activity, the City Council may want to do the same and modify this option to be “non-storefront, commercial cannabis retailers”, which would allow for both medicinal and recreational retail delivery sales. Staff anticipates some minor regulatory considerations for this modification.

Option 3: Return with an ordinance creating a temporary ban until an ordinance to allow additional commercial cannabis activities takes effect. Staff would need to evaluate other jurisdiction model ordinances to compile an ordinance for the City of Tracy. In addition, staff would need to return to the Planning Commission, based on City Council direction for zoning recommendations, if different locational and zoning requirements than those previously considered by the Planning Commission are desired by the Council. This process would take 3-6 months before a draft ordinance would return to the City Council for consideration and 60-90 days for an application process to be established.

#### FISCAL IMPACT

Staff will return to the City Council with potential fiscal impacts based upon City Council policy direction. The City Council may consider placing a new general tax measure on the November 2020 ballot.

#### RECOMMENDATION

Staff recommends the Council evaluate all provided information and provide staff with further direction based on the following algorithm. Council's feedback will be used to further develop cannabis regulatory requirements for the Council's consideration.

1. Keep the current ban in place indefinitely? If yes, no further direction required. If no, continue to next question.
2. Ban all commercial cannabis activity and continue to evaluate the impact of current State cannabis regulations on other communities that allow and regulate cannabis activities? If yes, no further direction required. If no, go to next question.
3. Allow the delivery of cannabis within the city limits from only regulated dispensaries from outside of the city limits, create a permitting process to monitor, but do not allow any commercial cannabis businesses within the city limits. If yes, no further direction required and staff will return with an ordinance that establishes certain permit requirements on state licensed delivery retailers conducting business in Tracy. If no, go to next question.
4. Limit the type of cannabis business in the City of Tracy to dispensaries (retailers) only? If yes, go to question number 4a-d for other considerations. If no, please provide further direction, see Question 5.
  - a. Restrict dispensaries to delivery only (non-storefront), walk-in (storefront), or both?

- b. Direct staff to draft ordinance with highest level of regulations. If yes, go to next question. If no, further discussion required concerning the direction of the Council.
  - c. Limit the number of permitted dispensaries based on population size of 1 per 40,000 residents. If yes, go to number next question. If no, further discussion required concerning the direction of the Council.
  - d. Limit the location of dispensaries to industrial zoned areas. If yes, go to next question. If no, further discussion required concerning the direction of the Council.
5. What other commercial cannabis activity should be allowed? Select a commercial activity to discuss and provide direction. Repeat questions 4:a-d to direct staff.
- a. distribution,
  - b. testing labs,
  - c. microbusinesses: These involve vertical integration of multiple commercial activities, consisting of a minimum of three out of the following four activities under a single license or permit:
    - i. cultivation
    - ii. manufacturing
    - iii. distribution
    - iv. retail
  - d. temporary cannabis events requiring a local permit on a case-by-case basis
  - e. storefront retail
  - f. cultivation
  - g. manufacturing

Prepared by: Karin Schnaider, Finance Director

Reviewed by: Leticia Ramirez, Assistant City Attorney  
William Dean, Assistant Development Services Director  
Alex Neicu, Interim Police Chief  
Amy Ray, Fire Marshall  
Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

ATTACHMENTS:

- A: Table of Summarizing City Council direction
- B: Draft ordinances: (1) an amendment to Chapter 6.36 of the Tracy Municipal Code (TMC) and (2) an amendment to Section 10.08.3196 of the TMC with map
- C: Memo of Service impacts – Alex Neicu, Interim Police Chief
- D: Memo of Service impacts – Amy Ray, Fire Marshall
- E: Summary of Revised State Cannabis Regulations from HDL
- F: Other Jurisdictions' Actions Regarding Commercial Cannabis Activity

## Cannabis Time Line

Below is the summary of prior meetings, community outreach, and the direction given to staff at the December 5, 2017 City Council meeting. Also, in the table is an update on staff's progress and anticipated meetings for both the regulatory ordinance and the tax ordinance.

| Date          | Meeting/<br>Outreach | Purpose or Outcome                                                                                                                                                                                                                                                                                                                                                                                                       | Staff Report and/or<br>Presentations                                                                                                      | Link to City Council<br>Minutes                                                                                                           | Link to City Council<br>meeting video and<br>Minutes                                                                                                           |
|---------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| June 13, 2017 | City Council         | Informational item regarding cannabis and Proposition 64; City Council asked staff to return with more information on impacts including service level impacts and fiscal impacts, if known.                                                                                                                                                                                                                              | <a href="https://www.cityoftracy.org/documents/20170613_CC_Spec_AP.pdf">https://www.cityoftracy.org/documents/20170613_CC_Spec_AP.pdf</a> | <a href="https://www.cityoftracy.org/documents/20170613_Spec_Min_s.pdf">https://www.cityoftracy.org/documents/20170613_Spec_Min_s.pdf</a> | N/A                                                                                                                                                            |
| Sept 5        | City Council         | Temporary ordinance prohibiting outdoor cultivation, commercial cultivation and manufacturing, and sales of marijuana (cannabis) and delivery of adult use marijuana (cannabis) until December 31, 2018, to allow time for the City Council to consider reasonable regulations for such uses.                                                                                                                            | <a href="https://www.cityoftracy.org/documents/20170905_CC_AP.pdf">https://www.cityoftracy.org/documents/20170905_CC_AP.pdf</a>           | <a href="https://www.cityoftracy.org/documents/20170905_Reg_Mins.pdf">https://www.cityoftracy.org/documents/20170905_Reg_Mins.pdf</a>     | <a href="http://tracy-ca.granicus.com/player/clip/504?view_id=2">http://tracy-ca.granicus.com/player/clip/504?view_id=2</a><br><br>approximate start time 1:14 |
| Oct 3         | City Council         | Education about Proposition 64 and State law regarding cannabis. Public input about cannabis uses, such as retail, testing, personal cultivation, and potential land use and public safety impacts.                                                                                                                                                                                                                      | <a href="https://www.cityoftracy.org/documents/20171003_Spec_AP.pdf">https://www.cityoftracy.org/documents/20171003_Spec_AP.pdf</a>       | <a href="https://www.cityoftracy.org/documents/20170905_Spec_Min_s.pdf">https://www.cityoftracy.org/documents/20170905_Spec_Min_s.pdf</a> | N/A                                                                                                                                                            |
| Dec 5         | City Council         | Directed staff to develop an ordinance to allow two dispensaries to sell only medical cannabis which will be highly regulated, for delivery only, in an industrial area only, with land use restrictions and or Police restrictions to be brought back to Council at a later date.<br>Directed staff to place a general tax on the November 2018 ballot with a rate between 2% and 15% to be determined at a later date. | <a href="https://www.cityoftracy.org/documents/20171205_CC_AP.pdf">https://www.cityoftracy.org/documents/20171205_CC_AP.pdf</a>           | <a href="https://www.cityoftracy.org/documents/20171205_CC_Mins.pdf">https://www.cityoftracy.org/documents/20171205_CC_Mins.pdf</a>       | <a href="http://tracy-ca.granicus.com/player/clip/536?view_id=2">http://tracy-ca.granicus.com/player/clip/536?view_id=2</a><br><br>approx. start 56 mins       |
| March 20      | City Council         | Consideration of maximum tax rates for cannabis business activities<br><br>Consideration of Special Tax measure for November 2018<br><br>Consideration of special purpose for cannabis tax revenues.<br><br>Overview of regulatory ordinance timeline                                                                                                                                                                    | <a href="https://www.cityoftracy.org/documents/20180320_CC_AP.pdf">https://www.cityoftracy.org/documents/20180320_CC_AP.pdf</a>           | <a href="https://www.cityoftracy.org/documents/20180320_CC_Mins.pdf">https://www.cityoftracy.org/documents/20180320_CC_Mins.pdf</a>       | <a href="http://tracy-ca.granicus.com/player/clip/564?view_id=2">http://tracy-ca.granicus.com/player/clip/564?view_id=2</a><br><br>approx. start 38 mins       |

| Date                  | Meeting/<br>Outreach   | Purpose or Outcome                                                                                             | Staff Report and/or<br>Presentations                                                                                                                        | Link to City Council<br>Minutes                                                                                                                                             | Link to City Council<br>meeting video and<br>Minutes                                                                                                  |
|-----------------------|------------------------|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| May 1,<br>2018        | City Council           | Present draft Tax Ordinance for consideration and adoption.                                                    | <a href="https://www.cityoftracy.org/documents/20180501_CC_AP.pdf">https://www.cityoftracy.org/documents/20180501_CC_AP.pdf</a>                             | <a href="https://www.cityoftracy.org/documents/20180501_Reg_Mins.pdf">https://www.cityoftracy.org/documents/20180501_Reg_Mins.pdf</a>                                       | <a href="http://tracy-ca.granicus.com/player/clip/570?view_id=2">http://tracy-ca.granicus.com/player/clip/570?view_id=2</a><br><br>approx. start 2:14 |
| July 25,<br>2018      | Planning<br>Commission | Present draft Regulatory Ordinance and Zoning Amendment to Planning Commission for discussion.                 | <a href="https://www.cityoftracy.org/documents/07_25_18_Planning_Commission.pdf">https://www.cityoftracy.org/documents/07_25_18_Planning_Commission.pdf</a> | <a href="https://www.cityoftracy.org/documents/07_25_18_Planning_Commission_Minutes.pdf">https://www.cityoftracy.org/documents/07_25_18_Planning_Commission_Minutes.pdf</a> | N/A                                                                                                                                                   |
| September<br>18, 2018 | City Council           | Present draft Regulatory Ordinance for discussion. Discuss permitting and application process, including fees. | <a href="https://www.cityoftracy.org/documents/20180918_CC_AP.pdf">https://www.cityoftracy.org/documents/20180918_CC_AP.pdf</a>                             | <a href="https://www.cityoftracy.org/documents/20180918_Reg_Mins.pdf">https://www.cityoftracy.org/documents/20180918_Reg_Mins.pdf</a>                                       | <a href="http://tracy-ca.granicus.com/player/clip/595?view_id=2">http://tracy-ca.granicus.com/player/clip/595?view_id=2</a><br><br>approx. start 1:14 |

**Proposed Ordinance Amending Chapter 6.36**

**Chapter 6.36 COMMERCIAL CANNABIS ACTIVITY.**

- Section 6.36.010 Purpose and Intent.**
- Section 6.36.020 Legal Authority.**
- Section 6.36.030 Definitions.**
- Section 6.36.040 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.**
- Section 6.36.050 Compliance with State and Local Laws.**
- Section 6.36.060 Cannabis Business Permit Required to Engage in a Commercial Cannabis Activity.**
- Section 6.36.070 Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.**
- Section 6.36.080 Application Procedure for a Cannabis Business Permit.**
- Section 6.36.090 Selection of Cannabis Business Permittee(s).**
- Section 6.36.100 Expiration of Cannabis Business Permits.**
- Section 6.36.110 Revocation of Permits.**
- Section 6.36.120 Renewal Applications.**
- Section 6.36.130 Effect of State License Suspension, Revocation, or Termination.**
- Section 6.36.140 Change in Location; Updated Registration Form.**
- Section 6.36.150 Transfer of Cannabis Business Permit.**
- Section 6.36.160 Cannabis Employee Permit Required.**
- Section 6.36.170 Permittee Selection Process.**
- Section 6.36.180 City Business License.**
- Section 6.36.190 Limitations on City's Liability.**
- Section 6.36.200 Records and Recordkeeping.**
- Section 6.36.210 Security Measures.**
- Section 6.36.220 Restriction on Alcohol & Tobacco Sales.**
- Section 6.36.230 Fees and Charges.**
- Section 6.36.240 Miscellaneous Operating Requirements.**
- Section 6.36.250 Other Operational Requirements.**
- Section 6.36.260 Non-Storefront Retailer Vehicle Requirements.**
- Section 6.36.270 Permissible Delivery Locations and Customers.**
- Section 6.36.280 Packaging and Labeling.**
- Section 6.36.290 Promulgation of Regulations, Standards and Other Legal Duties.**
- Section 6.36.300 Fees Deemed Debt to City of Tracy.**
- Section 6.36.310 Permit Holder Responsible for Violations.**
- Section 6.36.320 Inspection and Enforcement.**
- Section 6.36.330 Compliance with State Regulation.**
- Section 6.36.340 Violations Declared a Public Nuisance.**
- Section 6.36.350 Each Violation a Separate Offense.**
- Section 6.36.360 Criminal Penalties.**
- Section 6.36.370 Remedies Cumulative and not Exclusive.**

**Section 6.36.010. Purpose and Intent**

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes and implement the desire of California voters who approved the Adult Use of Marijuana Act (“AUMA”) by Proposition 64 in November 2016, while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Chapter to regulate the commercial cannabis activity in a responsible manner to protect the health, safety, and welfare of the residents of Tracy and to enforce rules and regulations consistent with state law. It is the further purpose and intent of this Chapter to require all commercial cannabis operators meeting the established requirements to obtain and renew annually a regulatory permit to operate a cannabis business in Tracy. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or local law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to operate a cannabis business in the City, such as a conditional use permit issued pursuant to Title 10 of this Code, and are in addition to any permits, licenses and approval required under state, county, or other law.

**Section 6.36.020. Legal Authority.**

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of MAUCRSA, and any subsequent state legislation and/or regulations regarding same, the City of Tracy is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Tracy to all commercial cannabis activity.

**Section 6.36.030. Definitions.**

When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) “A-license” means a state license issued under this Chapter for cannabis or cannabis products that are intended for adults who are 21 years of age and older (adult-use) and who do not possess a physician’s recommendation.

## Proposed Ordinance Amending Chapter 6.36

- (b) “A-licensee” means any person holding a license under Business and Professions Code Section 26000 et seq. for cannabis or cannabis products that are intended for adults who are 21 years of age and older (adult-use) and who do not possess a physician’s recommendation.
- (c) “Applicant” means an owner applying for a cannabis business permit or cannabis employee permit pursuant to this Chapter.
- (d) “Batch” means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:
  - (1) “Harvest batch” means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same time.
  - (2) “Manufactured cannabis batch” means either of the following:
    - (A) An amount of cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.
    - (B) An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.
- (e) “Bureau” means the Bureau of Cannabis Control within the California Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.
- (f) “Cannabis” means all parts of the 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. For the purpose of this Chapter, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.
- (g) “Cannabis accessories” has the same meaning as in Section 11018.2 of the Health and Safety Code.
- (h) “Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.

## Proposed Ordinance Amending Chapter 6.36

- (i) “Cannabis employee permit” means a regulatory permit issued by the City pursuant to this Chapter to persons working, volunteering, interning, or apprenticing at any cannabis business operating in the City.
- (j) “Cannabis product” means a product containing cannabis or cannabis, including, but not limited to, manufactured cannabis, and shall have the same meaning as in Section 11018.1 of the Health and Safety Code. For purposes of this Chapter, “cannabis” does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (k) “Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
- (l) “City” or “City of Tracy” means the City of Tracy, a California general law City.
- (m) “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in this Chapter.
- (n) “Commercial cannabis business” or “Cannabis business” means any business or operation which engages in medicinal or adult-use commercial cannabis activity.
- (o) “Commercial cannabis business permit” or “City cannabis business permit” means a regulatory permit issued by the City pursuant to this Chapter to a person operating a cannabis business in the City. This permit is required before any commercial cannabis activity may be conducted in the City and does not constitute a land use entitlement nor a conditional use permit. The issuance of a cannabis business permit is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Chapter and any regulations adopted or imposed by the City governing the commercial cannabis activity at issue.
- (p) “Customer” means a natural person 21 years of age or older or a natural person 18 years of age or older who possesses a physician’s recommendation.
- (q) “Day care center” has the same meaning as in Section 1596.76 of the Health and Safety Code.
- (r) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.
- (s) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.
- (t) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.
- (u) “Distributor” means a person holding a valid commercial cannabis state license for distribution, required by state law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a license manufacturer, for sale to a licensed retailer.
- (v) “Dried flower” means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (w) “Edible cannabis product” means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited



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to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

- (x) “Greenhouse” means a fully enclosed fixed, permanent structure that is clad in transparent or translucent material with its own irrigation and climate control, such as heating and ventilation capabilities and supplemental and artificial lighting, and that uses a combination of natural and supplemental lighting for cultivation. A greenhouse used for purposes of cannabis cultivation is subject to the MAUCRSA and related state and local regulations, rather than the California Food and Agricultural Code, and its related state and local regulations.
- (y) “Kind” means applicable type or designation regarding a particular cannabis variant or cannabis product type, including, but not limited to, strain name or other grower trademark, or growing area designation.
- (z) “Labeling” means any label or other written, printed, or graphic matter upon a cannabis product, upon its container.
- (aa) “Labor peace agreement” means an agreement between a licensee and any bona fide labor organization that, at a minimum, protects the state’s proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant’s business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant’s employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.
- (ab) “License” means a state license issued under this Chapter, and includes both an A-license and an M-license, as well as a testing laboratory license.
- (ac) “Licensee” means any person holding a license under this Chapter, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.
- (ad) “Licensing authority” means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.
- (ae) “Live plants” means living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.
- (af) “Local jurisdiction” means a city or county.
- (ag) “Lot” means a batch or a specifically identified portion of a batch.
- (ah) “M-license” means a state license issued under this Chapter for commercial cannabis activity involving medicinal cannabis.
- (ai) “M-licensee” means any person holding a license under this Chapter for commercial cannabis activity involving medicinal cannabis.

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- (aj) “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (ak) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.
- (al) “Manufacturer” means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.
- (am) “Manufacturing site” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Tracy and, a valid state license as required for manufacturing of cannabis products.
- (an) “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation.
- (ao) “Natural person” is an individual human being as opposed to an artificial or legal person like a company which may be a private entity or non-governmental organization or public government organization.
- (ap) “Non-Storefront retailer” means a cannabis business that conducts sales of cannabis or cannabis products to customers exclusively by delivery and whose premises are closed to the public. The term “Non-Storefront Retailer” is synonymous with the terms “delivery only” or “delivery service.”
- (aq) “Operation” means any act for which licensure is required under the provisions of this Chapter, or any commercial transfer of cannabis or cannabis products.
- (ar) “Owner” means any of the following:
  - (1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
  - (2) The chief executive officer of a nonprofit or other entity.
  - (3) A member of the board of directors of a nonprofit.
  - (4) An individual who will be participating in the direction, control, or management of the person applying for a license.
- (as) “Package” means any container or receptacle used for holding cannabis or cannabis products.
- (at) “Patient” or “qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5.

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- (au) "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (av) "Person with an identification card" shall have the meaning given that term by California Health and Safety Code Section 11362.7.
- (aw) "Physician's recommendation" means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (ax) "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.
- (ay) "Retailer" means a cannabis business issued a state license for the retail sale and delivery of cannabis or cannabis products to customers. "Retailer" shall have the same meaning as Business and Professions Code section 26070 and as may be amended from time to time.
- (az) "Sell," "sale," "to sell" and "retail sale" include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- (ba) "State License" means a permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity.
- (bb) "Testing laboratory" means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:
  - (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
  - (2) Licensed by the bureau.
- (bc) "Topical cannabis" means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (bd) "Transport" means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by the MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same.

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- (be) “Unique identifier” means an alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.
- (bf) “Youth center” has the same meaning as in Section 11353.1 of the Health and Safety Code.

### **Section 6.36.040. Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.**

Except as specifically authorized in this Chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, retail sale, delivery, distribution or transportation (other than as provided under Bus. & Prof. Code section 26090(e)), of cannabis or cannabis product is expressly prohibited in the City of Tracy.

### **Section 6.36.050. Compliance with State and Local Laws.**

It is the responsibility of the owners and operators of the cannabis business to ensure that it is always operating in a manner compliant with all applicable state and local laws, policies, rules, and regulations including, but not limited to, the California Health and Safety Code, the City adopted Building Code, Plumbing Code, Electrical Code, Mechanical Code, Fire Code, the Tracy Municipal Code, the Tracy Zoning Code, all requirements and conditions related to the land use entitlement process, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions that violate state law or local law with respect to the operation of a cannabis business. It shall be the responsibility of the owners and the operators of the cannabis business to ensure that the cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, including for as long as applicable, the Compassionate Use Act (“Prop. 215”) and the Medical Cannabis Program Act (“MMPA”) (collectively “the Medical Cannabis Collective Laws”), any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the cannabis business permit. Nothing in this Chapter shall be construed as authorizing any actions that violate state law regarding the operation of a commercial cannabis business.

### **Section 6.36.060. Cannabis Business Permit Required to Engage in a Commercial Cannabis Activity.**

- (a) No person may engage in any commercial cannabis activity within the City of Tracy unless the person (1) has a valid Cannabis business permit from the City of Tracy; (2) has a valid State License; and (3) is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and the commercial cannabis activities

and land use and zoning requirements, including obtaining a valid conditional use permit.

**Section 6.36.070. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.**

Maximum Number and Type of Authorized Cannabis Businesses Permitted. The number of each type of cannabis business that shall be permitted to operate in the City at any one given time shall be as follows:

Medicinal (M-License) Non-Storefront Retailer; maximum of two (2).

This Section is only intended to create a maximum number of cannabis businesses that may be issued permits to operate in the City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further amendments to the application process.

- (a) Each year following the Police Chief's initial award of cannabis business permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of cannabis business permits which are authorized for issuance. The City Council, in its discretion, may determine by ordinance that the number of commercial cannabis permits should stay the same, or be increased.

**Section 6.36.080. Application Procedure for a Cannabis Business Permit.**

- (a) The City Council shall adopt by resolution the procedures to govern the application process, and the manner in which the decision to issue a cannabis business permit(s), which resolution shall authorize City staff to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("Review Criteria") and to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, and conduct evaluate the applicants.
- (b) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.
- (c) After the initial review of applications, ranking, and scoring under the Review Criteria by the Development Services Director or designee, Finance Director or designee, and Fire Chief or designee ("Review Committee"), the

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Review Committee shall make a recommendation to the Police Chief or designee, who shall make a final selection in accordance with Section 6.36.0970.

(d) **THE CITY'S RESERVATION OF RIGHTS:**

The City reserves the right to reject any or all applications. Prior to cannabis business permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to cannabis business permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided, , an application RISKS BEING REJECTED for any of the following reasons:

- (1) Application was received after designated time and date.
- (2) Application did not contain the required elements, exhibits, nor organized in the required format.
- (3) Application was considered not fully responsive to this request for permit application.

### **Section 6.36.090. Selection of Cannabis Business Permittee(s).**

- (a) The top four applicants identified by the Review Committee may be invited to attend a public hearing with the Police Chief or designee, where they may be expected to make a public presentation regarding their application. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.
- (b) The Police Chief or designee shall determine which top applicants will be granted a cannabis business permit. The Police Chief's or designee's decision as to the selection of permittees shall be appealable to the City Manager. Such appeals shall comply with Chapter 1.12 of this Code.
- (c) Issuance of a cannabis business permit does not constitute a land use entitlement nor does it constitute a land use permit. Following the Police Chief's selection, the prevailing candidates(s) shall apply to the City's Development Services Department to obtain a conditional use permit pursuant to Section 10.08.4250 and any other required land use approvals

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or entitlements for the permittee's premises. Land use approvals shall include compliance with all applicable provisions of CEQA.

- (f) Furthermore, no permittee shall begin operations, notwithstanding the issuance of a cannabis business permit, unless all of the state and local laws and regulations have been complied with, including but not limited to the requirements of this Chapter and Section 10.08.3196.
- (g) Notwithstanding anything in this Chapter to the contrary, the City reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a cannabis business permit until a permit is actually issued, and then only for the duration of the term specified in the permit. Each applicant assumes the risk that, at any time prior to the issuance of a cannabis business permit, the City Council may terminate or delay the program created under this Chapter.
- (h) If an application is denied for a cannabis business permit, a new application may not be filed for one (1) year from the date of the denial.
- (i) Each person granted a cannabis business permit shall pay the permit fee established by resolution of the City Council, to cover the costs of administering the cannabis business permit regulatory program created in this Chapter.

### **Section 6.36.100. Expiration of Cannabis Business Permits.**

Each cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Cannabis business permits may be renewed as provided in Section 6.36.120.

### **Section 6.36.110. Revocation of Permits.**

Cannabis business permits may be revoked for any violation of state law and/or any local law, rule, regulation or operational procedure, including but not limited to Section 6.36.040 Compliance with State and Local Laws, and/or any other regulations adopted pursuant to this Chapter.

**Section 6.36.120. Renewal Applications.**

- (a) An application for renewal of a cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.
- (d) An application for renewal of a cannabis business permit shall be rejected if any of the following exists:
  - (1) The application is filed less than sixty (60) days before its expiration.
  - (2) The cannabis business permit is suspended or revoked at the time of the application.
  - (3) The cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
  - (4) The cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter.
  - (5) The permittee fails to or is unable to renew its state license.
  - (6) If the City or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Chapter, of the City's Municipal Code, the conditions of approval associated with the conditional use permit or of the state rules and regulations, and the City or state has determined that the violation is grounds for termination or revocation of the cannabis business permit.
- (e) The Police Chief or designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the Police Chief or designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the Police Chief or designee(s) shall be directed to the City Manager and shall be handled pursuant to Chapter 1.12.



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- (f) If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.
- (g) If an existing cannabis business permit holder fails to renew their permit, the City may, in its discretion, solicit and consider permit applications from other applicants pursuant to Sections 6.36.080 and 6.36.090.

### **Section 6.36.130. Effect of State License Suspension, Revocation, or Termination.**

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall constitute grounds for revoking a City cannabis business permit.

### **Section 6.36.140. Change in contact information; updated registration form.**

- (a) Any time the contact information listed on cannabis business permit has changed, the business shall re-register with the Police Chief or designee(s). The process and the fees for re-registration shall be the same as the process and fees set forth section 6.36.120.
- (b) Within fifteen (15) calendar days of any other change in the information provided in the application or any change in status of compliance with the provisions of this Chapter, including any change in the cannabis business ownership or management members, the applicant shall file an updated registration form with the Police Chief or designee(s) for review along with a registration amendment fee, as set forth in section 6.36.120.

### **Section 6.36.150. Transfer of Cannabis Business Permit.**

- (a) The holder of a cannabis business permit shall not transfer ownership or control of the permit to another person or entity unless and until the transferee obtains an amendment to their state license issued by the Bureau of Cannabis Control, if required, and an amendment to the permit from the Police Chief stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Police Chief or designee(s) in accordance with all provisions of this Chapter (as though the transferee were applying for an original cannabis business permit) accompanied by a transfer fee in an amount set by resolution of the City Council, and the Police Chief or designee(s)

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determines that the transferee passed the background check required for permittees and meets all other requirements of this Chapter.

- (b) Cannabis business permits issued through the grant of a transfer by the Police Chief shall be valid for a period of one year beginning on the day the Police Chief approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.
- (c) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51% of the original ownership), must be approved by the Police Chief or designee(s) through the transfer process contained in this subsection (a). Failure to comply with this provision is grounds for permit revocation.
- (d) A permittee may change the form of business entity without applying to the Police Chief or designee(s) for a transfer of permit, provided that either:
  - (1) The membership of the new business entity is substantially similar to original permit holder business entity (at least 51% of the membership is identical), or
  - (2) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA and to comply with Section 6.36.060, subdivision (b), provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.

Although a transfer is not required in these two circumstances, the permit holder is required to notify the City Manager or designee(s) in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.
- (e) No cannabis business permit may be transferred when the Police Chief or designee has notified the permittee that the permit has been or may be suspended or revoked.
- (f) Any attempt to transfer a cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

**Section 6.36.160. Cannabis Employee Permit Required.**

- (a) Any person who is an employee or who otherwise works within a cannabis business must be legally authorized to do so under applicable state law.
- (b) Any person who is an employee or who otherwise works within a cannabis business must obtain a cannabis employee permit from the City prior to performing any work at any cannabis business.
- (c) Applications for a cannabis employee permit shall be developed, made available, and processed by the Police Chief or designee(s), and shall include, but not be limited to, the following information:
  - (1) Name, address, and phone number of the applicant;
  - (2) Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at twenty-one (21) years of age must be submitted with the application;
  - (3) Name, address of the cannabis business where the person will be employed, and the name and phone number of the primary manager of that business;
  - (4) A list of any crimes enumerated in California Business and Professions Code Section 26507(b)(4) for which the applicant has been convicted;
  - (5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;
  - (6) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the Police Chief or designee(s).
  - (7) A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the cannabis employee permit program. The fee is non-refundable and shall not be returned in the event the employee permit is denied or revoked.
- (d) The Police Chief or designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

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- (1) Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code sections 186.11, 470, 484, and 504a, respectively; or
- (2) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
- (3) Was convicted of a violent felony, a crime of moral turpitude; or
- (4) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Discovery of these facts showing that the applicant is dishonest or has been convicted of those types of crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following (i) a conviction for any crime listed in subsection (d) (4) above for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California Penal Code or (ii) a conviction that was subsequently dismissed pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of state law allowing for dismissal of a conviction.

- (e) The Police Chief or designee(s) shall issue the cannabis employee permit or a written denial to the applicant within thirty (30) calendar days of the date the application was deemed complete. In the event the cannabis employee permit cannot be issued within this time period then the Police Chief or designee(s) may issue a temporary employee permit for an employee upon completing a preliminary background check and if the business can demonstrate to the Police Chief or designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the Police Chief or designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent employee permit.
- (f) A cannabis employee permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection 6.36.070 (b) above

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including the payment of a renewal application fee in an amount to be set by resolution of the City Council.

- (g) In the event an employee permit holder voluntarily or involuntarily separates from employment from the cannabis business, the permit holder shall notify the Police Chief or designee(s) in writing of the change within ten (10) calendar days, or the employee permit shall be suspended or revoked. The failure to notify the City of the change in employment status may result in the permit holder being ineligible for an employee permit in the future.
- (h) The City may immediately revoke the cannabis employee permit should the permit holder be convicted of a crime listed in subsections (d) and (i) above or if facts become known to the Police Chief or designee(s) that the permit holder has engaged in activities showing that he or she is dishonest. The following are additional grounds for revoking a cannabis employee permit based on the specific role and function of that employee:
  - (1) Sells or provides cannabis or cannabis products to a minor;
  - (2) Attempts to give away cannabis or cannabis products;
  - (3) Acts to illegally divert cannabis or cannabis products to the black market, including stealing cash; stealing the licensee's product for personal consumption; or selling the licensee's product and keeping the proceeds of the sale; or
  - (4) Is cited for driving under the influence of alcohol, cannabis or another illicit drug while on- or off-duty.
- (i) A cannabis employee permit for drivers, delivery persons, or any person delivering cannabis on behalf of a cannabis non-storefront retailer to customers shall be revoked if the employee permit holder:
  - (1) Sells or provides cannabis or cannabis products to a minor;
  - (2) Attempts to give away cannabis or cannabis products;
  - (3) Acts to illegally divert cannabis or cannabis products to the black market, including stealing cash; stealing the licensee's product for personal consumption; or selling the licensee's product and keeping the proceeds of the sale; or
  - (4) Is cited for driving under the influence of alcohol, cannabis or another illicit drug while on- or off-duty.
- (j) The Police Chief or designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.
- (k) The applicant may appeal the denial or revocation of a cannabis employee permit to the City Manager by filing a notice of appeal with the City Clerk within ten (10) working days of the date the applicant received the notice of denial or revocation, which appeal shall be conducted as set forth in Chapter 1.12 of this Code.

### **Section 6.36.180. City Business License.**

Prior to commencing operations, a cannabis business shall obtain a City of Tracy business license.

**Section 6.36.190. Limitations on City's Liability.**

To the fullest extent permitted by law, the City of Tracy shall not assume any liability whatsoever with respect to having issued a cannabis business permit pursuant to this Chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any cannabis business permit, the applicant shall be required to meet all of the following conditions before receipt of the permit:

- (a) The applicant must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Tracy, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the cannabis business permit, the City's decision to approve the operation of the commercial cannabis business or activity, the process used by the City in making its decision, or the alleged violation of any state or local laws by the cannabis business or any of its officers, employees or agents.
- (b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Attorney and/or Risk Manager.
- (c) Reimburse the City of Tracy for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the City of Tracy may be required to pay as a result of any legal challenge related to the City's approval of the applicant's cannabis business permit, or related to the City's approval of a commercial cannabis activity. The City of Tracy may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

**Section 6.36.200. Records and Recordkeeping.**

- (a) Each owner and operator of a cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City, each cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator

## **Proposed Ordinance Amending Chapter 6.36**

shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or designee(s).

- (b) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the Police Chief or designee(s) upon a reasonable request.
- (c) All cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes in accordance with the MAUCRSA.
- (d) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) and other applicable regulations, each cannabis business shall allow City of Tracy officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated in writing by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

### **Section 6.36.210. Security Measures.**

- (a) A permitted cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. Except as may otherwise be determined by the Police Chief or designee and Fire Chief or designee, these security measures shall include, but shall not be limited to, all of the following:
  - (1) Preventing individuals from remaining on the premises of the cannabis business if they are not engaging in an activity directly related to the permitted operations of the cannabis business.

## **Proposed Ordinance Amending Chapter 6.36**

- (2) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
- (3) All cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault. All cannabis and cannabis products that are being sold for retail purposes shall be kept in a manner as to prevent diversion, theft, and loss.
- (4) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the Police Chief or designee(s), and that it is compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the Police Chief or designee(s). Video recordings shall be maintained for a minimum of ninety (90) days, or as required under state law, and shall be made available to the Police Chief or designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business.

### **Section 6.36.220. Restriction on Alcohol & Tobacco Sales.**

- (a) It shall be unlawful to cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the cannabis business.
- (b) It shall be unlawful to cause or permit the sale of tobacco products on or about the premises of the cannabis business.

### **Section 6.36.230. Fees and Charges.**

- (a) No person may commence or continue any cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a cannabis business. Fees and charges associated with regulation of a cannabis business shall be established by resolution of the City Council which may be amended from time to time.
- (b) All cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license,



registration, and other fees required under state and local law. Each cannabis business shall cooperate with the City or designee(s) with respect to any reasonable request to audit the cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

**Section 6.36.240. Miscellaneous Operating Requirements.**

- (a) Cannabis businesses may operate only during the hours specified in the cannabis business permit issued by the City.
- (b) Restriction on Customer Consumption. Cannabis shall not be consumed by any retail customer on the premises of any cannabis businesses.
- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a cannabis business permit, or on any of the vehicles owned or used as part of the cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (d) Reporting and Tracking of Product and of Gross Sales. Each cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. Said tracking system must be in compliance with state's designated track-and-trace system of METRC. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the Police Chief or designee(s) prior to being used by the permittee.
- (e) There shall not be a physician located in or around any cannabis business at any time for the purpose of evaluating patients for the issuance of a cannabis recommendation or card where applicable.
- (f) Emergency Contact. Each cannabis business shall provide the Police Chief or designee(s) with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

## Proposed Ordinance Amending Chapter 6.36

- (g) Minors.
  - (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis business. It shall be unlawful and a violation of this Chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
- (h) Odor Control. Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, cannabis businesses must install and take all measures, including installing equipment, to control odor as required by the Development Services Director or designee.
- (i) Display of Permit and City Business License. The original copy of the cannabis business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the cannabis business in a location readily-visible to the City officials inspecting the premises.
- (j) Permits and other Approvals. Prior to commencing operations of any cannabis business, the person seeking to establish a cannabis business must first obtain all applicable land use, zoning, building, and other applicable permits from the City which are applicable to property in which such cannabis business intends to establish and to operate.

### **Section 6.36. 250. Other Operational Requirements.**

The City Manager or designee may develop other cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare. Such operational requirements or regulations shall take effect as determined by the City Manager or designee, and existing cannabis business permit holders shall comply as amended.

**Section 6.36.260. Non-Storefront Retailer Vehicle Requirements.**

Prior to commencing operations, a Cannabis Non-Storefront Retailer shall provide the City with all information requested by the Police Chief or designee(s) regarding the vehicles used to deliver cannabis to customers. Such information shall include, but not be limited to the following:

- (a) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver medicinal cannabis or cannabis products.
- (b) Proof of insurance as required in section 6.36.190 (b) for any and all vehicles being used to deliver medicinal cannabis goods.
- (c) The make, model, and license number of all vehicles owned or leased by the commercial cannabis retailer and used to deliver medicinal cannabis or cannabis products.

**Section 6.36.270. Permissible Delivery Locations and Customers.**

Non-storefront cannabis retailers are subject to the following requirements:

- (a) Cannabis and cannabis products shall only be delivered to customers located at a residential address including a nursing or assisted living facility and/or to customers located in other jurisdictions in which it is not prohibited to conduct deliveries of cannabis goods;
- (b) The delivery of cannabis and cannabis products to any location or facility owned, leased or occupied by a public agency, including but not limited to, a public school, library, and community center, is expressly prohibited. No deliveries shall be conducted on private property open to the public, including but not limited to, business and professional offices, retail stores and their adjoining parking lots, places of assembly, eating and drinking establishments; and
- (c) Deliveries shall only be completed to patients and primary caregivers that have a physician's recommendation on file with the retailer.

**Section 6.36.280. Packaging and Labeling.**

- (a) All cannabis, cannabis products, and cannabis accessories sold by a cannabis business shall be packaged, labeled and placed in tamper-evident packaging which at least meets the requirements of the MAUCRSA and all state implementing rules and regulations.

**Section 6.36.290. Promulgation of Regulations, Standards and Other Legal Duties.**

- (a) In addition to any regulations adopted by the City Council, the City Manager or designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of cannabis business permits, the ongoing operation of cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.
- (b) Regulations shall be published on the City's website.
- (c) Regulations promulgated by the City Manager or designee shall become effective as determined therein. Cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or designee.

**Section 6.36.300. Fees Deemed Debt to City of Tracy.**

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of Tracy that is recoverable via an authorized administrative process as set forth in the Tracy Municipal Code, or in any court of competent jurisdiction.

**Section 6.36.310. Permit Holder Responsible for Violations.**

The person to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Tracy, whether committed by the permittee or any employee, volunteer, or agent of the permittee, which violations occur in or about the premises of the cannabis business, and violations which occur during deliveries to off-site locations, whether or not said violations occur within the permit holder's presence.

**Section 6.36.320. Inspection and Enforcement.**

- (a) The City Manager or designee(s), Chief of Police or designee(s), and Fire Chief or designee(s) charged with enforcing the provisions of the Tracy Municipal Code, or any provision thereof, may enter the location of a cannabis business at any time, without notice, and inspect the location of any cannabis business, obtain samples of the cannabis to test for public safety purposes, and review any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.

## **Proposed Ordinance Amending Chapter 6.36**

- (b) It is unlawful for any person having responsibility over the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under state or local law.

### **Section 6.36.330. Compliance with State Regulations.**

It is the stated intent of this Chapter to regulate commercial cannabis activity in the City of Tracy in compliance with all provisions MAUCRSA and any subsequent state legislation.

### **Section 6.36.340. Violations declared a public nuisance.**

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

### **Section 6.36.350. Each violation a separate offense.**

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Tracy Municipal Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, and any permit issued pursuant to this Chapter shall be deemed null and void, entitling the City to disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Tracy may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the Police Chief or designee(s), may take immediate action to temporarily suspend a cannabis business permit issued by the City, pending a hearing before the City Manager.

### **Section 6.36.360. Criminal Penalties.**

Each and every violation of the provisions of this Chapter may in the discretion of the City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the county jail for a period of

## **Proposed Ordinance Amending Chapter 6.36**

not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

### **Section 6.36.370. Remedies cumulative and not exclusive.**

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

DRAFT

RESOLUTION 2018-016

PLANNING COMMISSION RECOMMENDATION THAT THE CITY COUNCIL  
INTRODUCE AND ADOPT AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION  
10.08.3196 REGARDING ESTABLISHING ZONING AND LOCATIONAL REQUIREMENTS FOR  
CANNABIS (MARIJUANA) NON-STOREFRONT RETAILERS,  
APPLICATION NUMBER ZA18-0002

WHEREAS, On September 19, 2017, Tracy City Council adopted Ordinance 1240, prohibiting all commercial medicinal and adult-use cannabis activity in the city; thus, until Council takes action via new or revised ordinances, all such activity (including the manufacturing, cultivation, distribution, testing, and any other cannabis activity licensed by the State of California) is prohibited in Tracy, and

WHEREAS, On December 5, 2017, Tracy City Council directed staff to prepare an ordinance to allow up to two medical cannabis non-storefront (i.e., delivery only) retailers (i.e., dispensaries) to operate in the City's industrial locations, subject to a high level of regulation and oversight by the City, and

WHEREAS, The proposed amendments establish specific locational requirements and permit requirements for commercial medicinal and adult use cannabis activities, and

WHEREAS, The proposed ordinance is exempt from the California Environmental Quality ACT (CEQA) pursuant to Business and Professions Code Section 26055(h), which provides that CEQA does not apply to the adoption of an ordinance, rule, or regulation that requires discretionary review and approval of permits or other authorizations to engage in commercial cannabis activity, and

WHEREAS, This project is further exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As this is only a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment, and

WHEREAS, On July 25, 2018, the Planning Commission conducted a public hearing to consider the ordinance;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends the City Council introduce and adopt an ordinance to amend Tracy Municipal Code Section 10.08.3196 regarding establishing zoning and locational requirements for cannabis non-storefront retailers as indicated in Exhibit 1, attached.

\*\*\*\*\*

The foregoing Resolution 2018- 016 was adopted by the Planning Commission on the 25th day of July, 2018, by the following vote:

|          |                                         |
|----------|-----------------------------------------|
| AYES:    | COMMISSION MEMBERS: GABLE, HUDSON, KAUR |
| NOES:    | COMMISSION MEMBERS: NONE                |
| ABSENT:  | COMMISSION MEMBERS: ORCUTT              |
| ABSTAIN: | COMMISSION MEMBERS: WOOD                |

  
VICE-CHAIR

ATTEST:  
  
STAFF LIAISON



**Proposed Amendments to TMC Section 10.08.3196****Chapter 10.08 - Zoning Regulations****10.08.3196 – Cannabis Uses.**

- (a) **Purpose and Intent.** The purpose of this section is to impose zoning and locational restrictions on commercial cannabis activities or uses and on the personal cultivation of cannabis. This section is not intended to give any person or entity authority to conduct commercial cannabis activities in the City of Tracy.
- (b) **Definitions.** Unless otherwise provided in this section, the definitions set forth in Chapter 10.08 (Zoning Regulations), Chapter 6.36 (Commercial Cannabis Activity) and Chapter 6.40 (Cannabis Business Tax) apply. The following words shall have the meanings set forth below when used in this section:
- (1) “Fully enclosed and secure structure” means a space within a building, greenhouse, or other structure that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, and which is accessible only through one or more lockable doors.
  - (2) “Outdoors” means any location within the City of Tracy that is not within a fully enclosed and secure structure or private residence, as defined by California Health and Safety Code section 11362.2.
- (c) **Commercial Cannabis Uses.**
- (1) All commercial cannabis uses are prohibited from operating in all zoning districts in the City, except as expressly permitted in this section.
  - (2) All commercial cannabis uses permitted by this section must, prior to establishing and commencing operations, obtain and maintain a City cannabis business permit and any other state or local license or permit, as may be applicable.
  - (3) Cannabis Medicinal (M-License) Non-Storefront Retailers are permitted to establish as a conditional use on property meeting the following criteria, subject to the granting of and compliance with terms of a City cannabis business permit and a conditional use permit issued pursuant to Section 10.08.4250:
    - (i) Property shall be located in an area designated as industrial in the City’s General Plan;
    - (ii) Property shall be located at least 600 feet from any parcel zoned as residential and any parcel containing any of the following sensitive uses as of the date the conditional use permit is issued: school, day care facilities, youth center, places of assembly, public parks, and youth congregating land uses;
    - (iii) Property shall not be within half (1/2) a mile of Gandy Dancer Drive; and
    - (iv) The distance between the cannabis business and the sensitive use property shall be measured from the outer boundaries of the sensitive use

## Proposed Amendments to TMC Section 10.08.3196

parcel to the first structure on the parcel seeking to operate a cannabis business.

(d) **Personal Cultivation of Cannabis.**

- (1) All outdoor cultivation of medicinal and adult use marijuana within the City is prohibited, and shall be unlawful, as a principal use, conditional use, special use, or accessory use in any zone. The indoor cultivation of adult use marijuana shall comply with state law.

(e) **Penalties.**

- (1) Violations of this chapter are hereby declared a public nuisance.
- (2) Violations of this section are punishable as misdemeanors and as otherwise set forth in chapter 1.04 of this Code. Each day of operation of a commercial cannabis business or the outdoor cultivation of marijuana occurs, in violation of this section, constitutes a separate offense.

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VOICE: 209-831-6550 – FAX: 209-831-4017

## MEMORANDUM



### *TRACY POLICE DEPARTMENT*

Date: January 21, 2019  
To: Karin Schnaider, Finance Director  
From: Alex Neicu, Interim Chief of Police  
RE: Impact of Marijuana Legalization – UPDATE

In preparation for the upcoming presentation to the City Council on possible action related to the legalization of marijuana, please refer to the information below as an addition to the previously-presented reports and oral presentations:

As it was explained to the City Council during prior marijuana-related presentations, our estimation of the impact on services is based on data from other departments in California and, for a more historical perspective, other law enforcement entities from other states (e.g. Colorado and Washington), who have a longer track record of transition to a legalized marijuana environment. In those terms, one of the most significant developments since the last presentation to Council has been the release of the legislatively-mandated 5-year impact report by the Colorado Division of Criminal Justice (attached).

The 266-page report ([http://cdpsdocs.state.co.us/ors/docs/reports/2018-SB-13-283\\_report.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-SB-13-283_report.pdf)) presents data collected over five years in several impact areas such as arrests, prosecutions, traffic, youth use and hospitalizations. The executive summary discusses some of the most significant trends, with the repeated caveat that the data is occasionally difficult to interpret due to multiple variables (<https://www.colorado.gov/pacific/publicsafety/news/colorado-division-criminal-justice-publishes-report-impacts-marijuana-legalization-colorado>). Some of the most significant observations include a lack of increase of marijuana use among youth, but significant increases in drug-related organized crime cases, marijuana-related DUI incidents, traffic fatalities and marijuana-related hospitalizations. Statewide, Colorado also experienced an increase of unauthorized marijuana cultivation on public lands.

When we extrapolate lessons from other agencies to project probable impact on Tracy resources, it becomes clear that the data supports the original requests for additional personnel in several departments. The need for increased staffing is meant to provide the necessary level of oversight that would ensure the community's expectation of public safety is met. It is also imperative to clarify that the required staffing is independent of any other additional positions justified by growth in population and city size. By the same token, failure to properly provide the

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## MEMORANDUM



### *TRACY POLICE DEPARTMENT*

necessary resources would result in either compromised oversight or a reduction in the current level of service, if personnel is transferred from other duties to oversight responsibilities.

Attachment: Impacts of Marijuana Legalization in Colorado

# Impacts of Marijuana Legalization in Colorado

## *A Report Pursuant to Senate Bill 13-283*

October 2018



Colorado Department of Public Safety

Division of Criminal Justice

Office of Research and Statistics

700 Kipling St., Denver, Colorado 80215

<https://www.colorado.gov/pacific/dcj-ors>



# **Impacts of Marijuana Legalization in Colorado**

## ***A Report Pursuant to Senate Bill 13-283***

**October 2018**

### **Prepared by**

**Jack K. Reed, Statistical Analyst**  
Office of Research and Statistics

Stan Hilkey, Executive Director, Department of Public Safety  
Joe Thome, Director, Division of Criminal Justice  
Kim English, Research Director, Office of Research and Statistics

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## EXECUTIVE SUMMARY

In 2013, following the passage of Amendment 64 which allows for the retail sale and possession of marijuana, the Colorado General Assembly enacted Senate Bill 13-283. This bill mandated that the Division of Criminal Justice in the Department of Public Safety conduct a study of the impacts of Amendment 64, particularly as these relate to law enforcement activities. This report seeks to establish and present the baseline measures for the metrics specified in S.B. 13-283 (C.R.S. 24-33.4-516.)

The information presented here should be interpreted with caution. The majority of the data should be considered baseline and preliminary, in large part because data sources vary considerably in terms of what exists historically. Consequently, it is difficult to draw conclusions about the potential effects of marijuana legalization and commercialization on public safety, public health, or youth outcomes, and this may always be the case due to the lack of historical data. Furthermore, the measurement of available data elements can be affected by very context of marijuana legalization. For example, the decreasing social stigma regarding marijuana use could lead individuals to be more likely to report use on surveys and also to health workers in emergency departments and poison control centers, making marijuana use appear to increase when perhaps it has not. Finally, law enforcement officials and prosecuting attorneys continue to struggle with enforcement of the complex and sometimes conflicting marijuana laws that remain. In sum, then, the lack of pre-commercialization data, the decreasing social stigma, and challenges to law enforcement combine to make it difficult to translate these preliminary findings into definitive statements of outcomes.

Recognizing the challenges involved in interpreting the data presented here, the following is a summary of findings:

### **Public Safety**

#### ***Arrests***

- The total number of marijuana arrests decreased by 52% between 2012 and 2017, from 12,709 to 6,153. Marijuana possession arrests, which make up the majority of all marijuana arrests, were cut in half (-54%). Marijuana sales arrests decreased by 17%. Arrests for marijuana production increased appreciably (+51%). Marijuana arrests that were unspecified, meaning the specific reason for the arrest was not noted by law enforcement, went down by 45%.
  - The number of marijuana arrests decreased by 56% for Whites, 39% for Hispanics, and 51% for Blacks. The marijuana arrest rate for Blacks (233 per 100,000) was nearly double that of Whites (118 per 100,000) in 2017.
  - Nine large Colorado counties (Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Mesa, and Weld) showed a decrease in marijuana arrests, ranging between -8% (Boulder) and -67% (Adams). The average decline across these nine counties was -46%.

- Separate data provided by the Denver Police Department's Data Analysis Unit indicates an 81% decrease in total marijuana arrests, from 1,605 in 2012 to 302 in 2017.
  - The most common marijuana industry-related crime in Denver was burglary, accounting for 59% of marijuana crime related to the industry in 2017.

### ***Court filings***

- The number of marijuana-related court filings declined 55% between 2012 and 2017, from 11,753 to 5,288.
  - The number of cases with a marijuana-related felony as the top charge declined initially (986 in 2012 to 418 in 2014) but rebounded to near pre-legalization levels (907 in 2017).
  - This contrasts with the decline in misdemeanors (down 13%) and petty offenses (down 62%) between 2012 and 2017.
  - Filings fell by 1% for juveniles 10 to 17 years old, by 28% for young adults 18 to 20 years old, and by 67% for adults ages 21 or older.
- In terms of organized crime, the number of court filings charged with the Colorado Organized Crime Control Act (C.R.S.18-17.104) that were linked to some marijuana charge increased from 31 in 2012 to 119 in 2017.
  - The types of charges associated with COCCA filings that increased most were manufacturing of marijuana or marijuana products (25 to 142) and possession of marijuana with intent to sell (32 to 124).

### ***Traffic Safety***

- The increase in law enforcement officers who are trained in recognizing drug use, from 129 in 2012 to 214 in 2018, can increase drug detection rates apart from any changes in driver behavior.
- Traffic safety data were obtained from a number of different sources. Please note that traffic safety data may be incomplete because law enforcement officers may determine that alcohol is impairing the driver, and therefore additional (time consuming and costly) drug testing may not be pursued.
- The total number of DUI citations issued by the Colorado State Patrol (CSP) decreased from 5,705 in 2014 to 4,849 in 2017. The prevalence of marijuana or marijuana-in-combination identified by Patrol officers as the impairing substance increased from 12% of all DUIs in 2014 to 15% in 2017.

- In 2016, the most recent data available, 27,244 cases were filed in court that included a charge of driving under the influence; 17,824 of these were matched with either a breath or blood test.<sup>1</sup>
  - Of these, 3,946 had blood samples screened for the presence of marijuana: 2,885 cases (73.2%) had a positive cannabinoid screen and a follow-up confirmation for other cannabis metabolites, and 47.5% detected Delta-9 THC at 5.0 ng/mL or above.
- According to CDOT, the number of fatalities in which a driver tested positive for Delta-9 THC at or above the 5.0 ng/mL level declined from 52 (13% of all fatalities) in 2016 to 35 in 2017 (8% of all fatalities).
  - The number of fatalities with cannabinoid-only or cannabinoid-in-combination positive drivers increased 153%, from 55 in 2013 to 139 in 2017.
  - However, note that the detection of any cannabinoid in blood is not an indicator of impairment but only indicates presence in the system. Detection of Delta-9 THC, one of the primary psychoactive metabolites of marijuana, may be an indicator of impairment.
- A 2017 survey conducted by the Colorado Department of Public Health and Environment found that 3.0% of adults reported driving within two-to-three hours of using marijuana in the past-30 days, while 19.7% of recent marijuana users reported this behavior.

#### ***Probationers testing positive***

- The proportion of 18 to 25 year-old probationers testing positive for THC increased, from 32% in 2012 and 41% in 2017. The proportion of 36 and older probationers testing positive for THC also increased, from 14% in 2012 to 21% in 2017.

#### ***Illegal cultivation on public land***

- The number of plants seized on public lands increased. There were 80,926 plants seized in 2017, up 73% from 46,662 in 2012.

#### ***Diversion to other states***

- The Colorado Information Analysis Center (CIAC), located in the Department of Public Safety, compiled data from the El Paso Intelligence Center (EPIC), manages a database in which law enforcement agencies can voluntarily report drug seizures. The number of seizures for Colorado-sourced marijuana reported to EPIC increased from 286 in 2012 to 608 in 2017.
  - The types of marijuana products seized has changed over time, with marijuana concentrates accounting for 26% of seizures and edibles accounting for another 16% in

<sup>1</sup> Please see [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf) for more information.

2017. In 2012, both of those categories combined accounted for 10% of marijuana seizures reported to EPIC.

## **Public Health**

### ***Adult usage rates***

- The Colorado Behavioral Risk Factor Surveillance System (BRFSS) is a statewide telephone survey conducted by the Colorado Department of Public Health and Environment (CDPHE). In 2014, the BRFSS was expanded to include questions about marijuana use.
  - In 2017, 15.5% of adults reported marijuana use in the past 30 days, compared to 13.6% in 2014, a significant increase. Also, in 2017, 7.6% reported daily or near daily use. This compares to 6.0% in 2014, a significant increase.
    - Males have significantly higher past 30-day use (19.8%) than females (11.2%).
    - Adults ages 18-25 reported the highest past 30-day usage rates (29.2%), followed by 26-34 year olds (26.4%), 35-64 year olds (12.5%), and those 65 years and older (5.6%).
- According to the National Survey on Drug Use and Health, administered by the federal Substance Abuse and Mental Health Services Administration, the prevalence rates for marijuana use in the past 30 days increased for young adults (18- to 25-years old), from 21.2% in 2005/06 (pre-commercialization) to 31.2% in 2013/14 (post-commercialization), but stabilized at 32.2% in 2015/16. Reported 30-day marijuana use by adults ages 26 years and older increased from 5% in 2005/06 to 14% in 2015/16.

### ***Hospitalizations and emergency department visits***

- The Colorado Department of Public Health and Environment (CDPHE) analyzed data from the Colorado Hospital Administration (CHA) with these findings:
  - Hospitalization rates (per 100,000 hospitalizations) with possible marijuana exposures, diagnoses, or billing codes increased from 803 per 100,000 before commercialization (2001-2009) to 2,696 per 100,000 after commercialization (January 2014-September 2015). The period from October 2015-December 2015 indicated another increase, but due to changes in coding systems, variable structures, and policies at CHA, the numbers for 2016 are considered preliminary by CDPHE.
  - The period of retail commercialization showed an increase in emergency department visits, from 739 per 100,000 ED visits (2010–2013) to 913 per 100,000 ED visits (January 2014–September 2015). There was no definitive trend during the period October 2015-December 2015 and, due to changes in coding systems, variable structures, and policies at CHA, these figures for 2016 are considered preliminary by CDPHE.

### ***Poison control***

- The number of calls to poison control mentioning human marijuana exposure increased over the past 10 years. There were 45 calls in 2006 and 222 in 2017. Between 2014 and 2017, the frequency of calls reporting human marijuana exposure stabilized.

## **Youth Impacts**

### ***Usage rates***

- Data on youth marijuana use was available from two sources. The Healthy Kids Colorado Survey (HKCS), with 47,146 high school and 6,704 middle school students responding in 2017, and the National Survey on Drug Use and Health (NSDUH), with about 512 respondents in 2015/16.
  - HKCS results indicate no significant change in past 30-day use of marijuana between 2013 (19.7%) and 2017 (19.4%). Also, in 2017, the use rates were not different from the national 30-day use rates reported by the Youth Risk Behavior Survey.<sup>2</sup> In 2017, 19.4% of Colorado high school students reported using marijuana in the past 30-days compared to 19.8% of high school students nationally that reported this behavior.
  - The 2017 HKCS found that marijuana use increases by grade level, with 11.0% of 9<sup>th</sup> graders, 17.7% of 10<sup>th</sup> graders, 23.7% of 11<sup>th</sup> graders, and 25.7% of 12<sup>th</sup> reporting use in the past 30-days.
  - The 2015/16 NSDUH, with many fewer respondents compared to HKCS, indicated a gradual increase in youth use from 2006/07 (9.1%) to 2013/14 (12.6%); however, the last two years showed decreased use, with 9.1% reporting use in 2015/16. The NSDUH showed that youth use of marijuana in Colorado (9.1%) was above the national average (6.8%).

### ***Arrests***

- The number of juvenile marijuana arrests decreased 16%, from 3,168 in 2012 to 2,655 in 2017. The rate of juvenile marijuana arrests per 100,000 decreased from 583 in 2012 to 453 in 2017 (-22%).
  - The number of White juvenile arrests decreased from 2,146 in 2012 to 1,703 in 2017 (-21%).
  - The number of Hispanic juvenile arrests decreased from 767 in 2012 to 733 in 2017 (-4%).
  - The number of Black juvenile arrests decreased from 202 in 2012 to 172 in 2017 (-15%).

<sup>2</sup> The YRBS is the comparable survey overseen nationally by the Centers for Disease Control and Prevention.

### ***Probationers testing positive***

- Data from the state Division of Probation Services indicated that the proportion of 10- to 14-year-olds testing positive for THC one or two times increased from 19% in 2012 to 23% in 2014, while the proportion testing positive three or more times increased from 18% to 25%. The proportion of 15- to 17-year-olds testing positive one or two times went down slightly, from 26% in 2012 to 25% in 2014, while those testing positive three or more times increased from 23% to 25%.

### ***School suspension/expulsion rates***

- Data from the Colorado Department of Education show that that drug suspension rates increased from 391 (per 100,000 registered students) in the 2008-09 school year to 551 in 2010-11. The drug suspension rate fluctuated somewhat since then and was 507 in the 2017-18 school year. The drug expulsion rate was 65 (per 100,000 registered students) in the 2008-09 school year, increasing to 91 in 2010-11, and then decreasing to 38 by 2017-18.
  - School discipline data for 2017-18 indicated that marijuana accounted for 22% of all expulsions and 24% of all law enforcement referrals in Colorado public schools.
  - Note that Senate Bill 12-046 and House Bill 12-1345 targeted reform of “zero tolerance” policies in schools, and appear to have decreased expulsions, suspensions, and referrals to law enforcement.<sup>3</sup>

### ***Drug-endangered children***

- To assess drug-endangered children, as required in S.B. 13-283, data from CDPHE’s Child Health Survey (targeting parents with children ages 1-14) was obtained.
  - Of parents with children ages 1–14 who responded to the survey, 6.9% reported some type of marijuana product around the house. When asked about where it was kept, 92% reported storing it in a location the child cannot access.

### **Additional Information**

- In May 2018, 3,101 licensed marijuana businesses were registered in Colorado. Nearly 70% of the licenses for marijuana businesses were concentrated in the counties of Denver (1,226), El Paso (370), Pueblo (303), and Boulder (216).
- Total revenue from taxes, licenses, and fees increased from \$67,594,325 in 2014 to \$247,368,474 in 2017 (+266%). Excise tax revenue dedicated to school capital construction assistance was \$40,000,000 in 2017 and an additional \$27,752,968 was dedicated to the public school fund.

<sup>3</sup> See Rosa, J., Krueger, J., and Severson, A. (May 2015). *Moving from Zero Tolerance to Supportive School Discipline Practices*. Office of Dropout Prevention and Student Re-engagement, Colorado Department of Education.

- In April 2018, there were 88,946 individuals registered as medical marijuana cardholders. The most common conditions reported were severe pain (93%), muscle spasms (31%), and severe nausea (14%).

**Summary.** Again, please note that fundamental measurement challenges interfere with our ability to confidently interpret the information presented here. As previously discussed, legalization may result in reports of increased use, which may be a function of the decreased stigma and legal consequences associated with use rather than actual changes in use patterns. Likewise, those reporting to poison control, emergency departments, or hospitals may feel more comfortable discussing their recent use or abuse of marijuana for purposes of treatment. Finally, complex and sometimes conflicting laws have caused law enforcement officials and prosecuting attorneys to modify policies and practices that cannot be disentangled from available data. For these reasons, it is critical to avoid ascribing changes in many social indicators solely to marijuana legalization.



## SECTION ONE: INTRODUCTION

This section provides a brief overview of the statutory mandate behind this report, data limitations, data sources and analytical approaches. It also describes federal and state marijuana laws, including the federal responses to Colorado’s Amendment 64 which was passed by voters in 2012.

### Background, Limitations and Methods

In 2013, following the passage of Amendment 64 allowing for the retail sale and possession of marijuana, the Colorado General Assembly enacted Senate Bill 13-283. This bill mandated that the Division of Criminal Justice in the Department of Public Safety conduct a study of the impacts of Amendment 64, particularly as these relate to law enforcement activities. This report seeks to present the measures for the metrics specified in S.B. 13-283 (C.R.S. 24-33.4-516). These metrics, which guide the structure of this report and the data elements analyzed, are presented in Table 1.

**Table 1. Data collection requirements of Senate Bill 2013-283**

| Statutory Category                              | Statutory Definition                                                                                                               |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>Impacts on Public Safety</b>                 |                                                                                                                                    |
| Marijuana-Initiated Contacts by Law Enforcement | Marijuana-initiated contacts by law enforcement, broken down by judicial district and by race and ethnicity                        |
| Marijuana Criminal Arrest Data                  | Marijuana arrest data, including amounts of marijuana with each arrest, broken down by judicial district and by race and ethnicity |
| Marijuana-Related Traffic Accidents             | Traffic accidents, including fatalities and serious injuries related to being under the influence of marijuana                     |
| Out-of-State Diversion                          | Diversion of marijuana out of Colorado                                                                                             |
| Marijuana Site Operational Crime Statistics     | Crime occurring in and relating to the operation of marijuana establishments                                                       |
| Marijuana Transfer Using Parcel Services        | Utilization of parcel services for the transfer of marijuana                                                                       |
| Probation Data                                  | Probation data                                                                                                                     |
| Outdoor Marijuana Cultivation                   | Outdoor marijuana cultivation facilities                                                                                           |
| Money Laundering                                | Money laundering relating to both licensed and unlicensed marijuana                                                                |
| Organized Crime                                 | The role of organized crime in marijuana                                                                                           |

| Impacts on Youth                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Comprehensive School Data                                                                                                                                                                                                                                                                                             | Comprehensive school data, both statewide and by individual school, including suspensions, expulsions, and police referrals related to drug use and sales, broken down by specific drug categories                                                                                                                                                                                     |
| Drug Endangered Children                                                                                                                                                                                                                                                                                              | Data related to drug-endangered children, specifically for marijuana                                                                                                                                                                                                                                                                                                                   |
| Diversion to Minors                                                                                                                                                                                                                                                                                                   | Diversion of marijuana to persons under twenty-one years of age                                                                                                                                                                                                                                                                                                                        |
| Impacts on Public Health                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                        |
| Data on Emergency Room Visits and Poison Control                                                                                                                                                                                                                                                                      | Data on emergency room visits related to the use of marijuana and the outcomes of those visits, including information from Colorado Poison Control Center                                                                                                                                                                                                                              |
| Monitor Health Effects of Marijuana (Colorado Department of Public Health and Environment)                                                                                                                                                                                                                            | Monitor changes in drug use patterns, broken down by race and ethnicity, and the emerging science and medical information relevant to the health effects associated with marijuana use.                                                                                                                                                                                                |
|                                                                                                                                                                                                                                                                                                                       | The Department shall appoint a panel of health care professionals with expertise in cannabinoid physiology to monitor the relevant information. The panel shall provide a report by January 31, 2015, and every two years thereafter to the State Board of Health, the Department of Revenue, and the general assembly. The Department shall make the report available on its website. |
|                                                                                                                                                                                                                                                                                                                       | The panel shall establish criteria for studies to be reviewed, reviewing studies and other data, and making recommendations, as appropriate, for policies intended to protect consumers of marijuana or marijuana products to the general public.                                                                                                                                      |
|                                                                                                                                                                                                                                                                                                                       | The Department may collect Colorado-specific data that reports adverse health events involving marijuana use from the all-payer claims database, hospital discharge data, and behavioral risk factors.                                                                                                                                                                                 |
| Source: Derived from Rebound Solutions (2014), <i>Marijuana data discovery and gap analysis summary report</i> , at <a href="https://cdpsdocs.state.co.us/ors/docs/resources/MarijuanaDataDiscoveryandGapAnalysis.pdf">https://cdpsdocs.state.co.us/ors/docs/resources/MarijuanaDataDiscoveryandGapAnalysis.pdf</a> . |                                                                                                                                                                                                                                                                                                                                                                                        |

## Data limitations

It is critical to state at the outset that important caveats must be considered prior to drawing firm conclusions about the impacts of marijuana legalization. First, it is not possible to definitively separate the change in marijuana laws from other changes that have occurred in Colorado, both societal and

legal. Second, changes in reported marijuana use may be the result of decreased social stigma and legal ramifications. For example, an adult may be more willing to divulge marijuana use upon admission to an emergency department now that it is legal. Third, legalization has heightened awareness of the need to gather data on marijuana and, in some cases, has led to improvements in data collection that then make analyzing historical trends difficult. For example, the Colorado Department of Transportation improved its data collection systems on fatal crashes, allowing for better analysis of current data but has made some of the historical data not comparable. For these reasons, we caution readers about gaps in data that impede our comprehensive understanding of the impact of the legalization of retail marijuana in Colorado.

## Data Sources

The information presented in this report was compiled from data made available from the following entities:

### Colorado State Government

- Colorado Attorney General’s Office, Peace Officer Standards and Training
- Colorado Department of Education
- Colorado Department of Human Services, Office of Behavioral Health
- Colorado Department of Local Affairs, Office of Demography
- Colorado Department of Public Health and Environment, Center for Health and Environmental Data
- Colorado Department of Public Health and Environment, Disease Control and Environmental Epidemiology Division
- Colorado Department of Public Health and Environment, Laboratory Services Division
- Colorado Department of Public Health and Environment, Marijuana Health Monitoring and Research Program
- Colorado Department of Public Health and Environment, Prevention Services Division
- Colorado Department of Public Safety, Colorado Bureau of Investigation
- Colorado Department of Public Safety, Colorado Information Analysis Center
- Colorado Department of Public Safety, Colorado State Patrol
- Colorado Department of Public Safety, Division of Criminal Justice
- Colorado Department of Revenue, Marijuana Enforcement Division
- Colorado Department of Revenue, Taxation Division
- Colorado Department of Transportation
- Colorado Governor’s Office of State Planning and Budgeting
- Colorado Judicial Branch, Court Services Division
- Colorado Judicial Branch, Probation Services Division

### Municipal and Private

- Chematox Laboratory

- City and County of Denver, Office of Marijuana Policy
- Coalition of Colorado Alcohol and Drug Educators
- Colorado Hospital Association
- Denver County Court
- Denver Police Department
- Rocky Mountain Poison and Drug Center

#### Federal

- Rocky Mountain High Intensity Drug Trafficking Area
- U.S. Bureau of Land Management
- U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration
- U.S. Department of Justice, Drug Enforcement Administration
- U.S. Forest Service
- U.S. National Park Service

### **Data Collection Methodology**

The data were collected and analyzed in several ways. First, many entities provide public information on agency websites in the form of reports, briefing papers, and downloadable spreadsheets (e.g., the National Survey on Drug Use and Health). When this was the case, the analysis was conducted by Division of Criminal Justice (DCJ) researchers, and links to the original source material are provided in footnotes. Second, summary data were analyzed and provided by several entities; this information was made available for this report and is not published elsewhere (e.g., CDPHE's analysis of marijuana users who report driving after consuming). Third, several entities provided individual-level, nonpublic data (e.g., CBI's arrest data), and these data were analyzed by DCJ researchers. All analyses and graphic presentations were sent to the original data sources for review to ensure the information is accurately represented.

### **Brief History of Marijuana Laws**

#### Federal Law

The Federal Controlled Substances Act (CSA)<sup>4</sup> classifies marijuana as a Schedule I drug. Drugs classified as Schedule I are considered the most dangerous class of drugs with no currently accepted medical use and a high potential for abuse. Some examples of other Schedule I drugs include heroin, MDMA (ecstasy, Molly), LSD, mescaline (peyote), and psilocybin (mushrooms).

The Schedule I classification puts state laws legalizing medical or recreational marijuana at odds with the CSA. As of July 2018, there were nine states plus the District of Columbia allowing for the sale of recreational marijuana in addition to medical marijuana, 22 states allowing only medical marijuana, 15

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<sup>4</sup> 21 U.S.C. § 811.

states allowing cannabidiol<sup>5</sup> exclusively, and four states that do not allow any legal cannabis products.<sup>6</sup> The widespread growth of medical marijuana legalization over the past 20 years has put an increasing number of states, including Colorado, in conflict with the CSA. Figures 1-3 give snapshots of state marijuana laws at three different points in time to demonstrate the evolution of legalization.

### Colorado Laws

The following bullets reflect five distinct eras in both the legal status and commercial availability of marijuana in Colorado:

- Prior to 2000: Illegal to possess or grow.
- 2000–2009: Amendment 20 approved and medical marijuana is legalized. Colorado Department of Public Health and Environment (CDPHE) issues registry identification cards to individuals who have received recommendations from a doctor that marijuana will help a debilitating medical condition. It is legal to possess up to two ounces and grow 6 plants (or more with doctor's recommendation) with a registry identification card. No regulated market exists. Individual grow operations or caregiver grow operations limited to five patients is allowed.
- 2010–2012: Medical marijuana is commercialized and regulated with licensed dispensaries, grow operations, and product manufacturers open in jurisdictions allowing these types of businesses.
- 2013: Amendment 64 takes effect. Personal possession and grow limits for recreational marijuana are in place but sales are not commercialized. Medical continues as a regulated, commercial market.
- 2014 to present:<sup>7</sup> Recreational and medical marijuana fully regulated and commercialized. Licensed retail stores open January 1, 2014.

### Amendment 20

In 2000, Colorado passed Amendment 20 allowing those suffering from certain debilitating medical conditions to grow and possess a limited amount of marijuana with a doctor's recommendation that it may help their condition.<sup>8</sup> Patients are required to register with the Colorado Department of Public Health and Environment (CDPHE) and obtain a registry identification card that indicates their status as a certified medical marijuana patient. The list of conditions eligible for a card includes cachexia, cancer, glaucoma, HIV/AIDS, muscle spasms, post-traumatic stress disorder, seizures, severe nausea, and severe

<sup>5</sup> Cannabidiol (CBD) is a nonpsychoactive substance derived from cannabis with potential medical uses. For a review of some relevant research, see Scuderi, C. et al. (2009). Cannabidiol in medicine: a review of its therapeutic potential in CNS disorders, *Phytotherapy Research*, 23 (5), 597-602.

<sup>6</sup> National Conference of State Legislatures, *State Medical Marijuana Laws* (2018), <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>.

<sup>7</sup> Others group 2010–2013 as the era of medical commercialization and do not differentiate 2013 as it did not increase the availability of marijuana in the commercial market.

<sup>8</sup> Colo. Const. Art. XVIII, § 14. Additional information can be accessed at Ballotpedia, Colorado Medical Use of Marijuana, Initiative 20 (2000), [https://ballotpedia.org/Colorado\\_Medical\\_Use\\_of\\_Marijuana\\_Initiative\\_20\\_\(2000\)](https://ballotpedia.org/Colorado_Medical_Use_of_Marijuana_Initiative_20_(2000)). A detailed review of the history of medical marijuana in Colorado and the recent status of the medical marijuana code can be found in the Colorado Department of Regulatory Agencies' *2014 Sunset Review: Colorado Medical Marijuana Code*, available at <https://drive.google.com/a/state.co.us/file/d/0B8bNvcf083ydTFpkdVRwdnhTazQ/view>.

pain. Amendment 20 provides an affirmative defense from prosecution for cardholders who are allowed to grow six plants (three mature, three immature) and possess up to two ounces of finished product, unless a doctor determines that additional marijuana is needed to treat a patient's condition. Patients can choose to grow their own marijuana or designate a caregiver to grow it for them.

Initially, a caregiver was limited to growing medical marijuana for five patients and his/herself if he/she was a medical marijuana cardholder. The justification for this limit was challenged in Denver District Court, and was overturned.<sup>9</sup> In 2009, the Colorado Board of Health rejected the five-patient limit for caregivers. That same year, the U.S. Department of Justice issued what is known as the Ogden Memo (see Appendix A), which gave guidance to U.S. Attorneys regarding prosecution for marijuana offenses. Specifically, the Ogden Memo told U.S. Attorneys that they should not “focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana.”<sup>10</sup> The combination of the Court decision, the Board of Health's rejection of the five-patient caregiver limit, and the Ogden Memo set the stage for the commercialization of medical marijuana. In 2010, two laws were passed: a medical marijuana code was promulgated by the Legislature through the passage of House Bill 10-1284, which established a regulatory structure within the Colorado Department of Revenue (DOR) and the Colorado Department of Public Health and Environment (CDPHE); and Senate Bill 10-109, which clarified the definition of a “bona fide physician patient relationship.” The Marijuana Enforcement Division (MED) was created within DOR to license and regulate the medical marijuana industry in Colorado.<sup>11</sup>

The commercialization of medical marijuana followed and the number of patients registered with CDPHE increased dramatically, from about 5,000 in 2009 to almost 119,000 in 2011. The number of registered patients dropped to 88,143 as of July 2018.

#### Amendment 64

Prior to the passage of Amendment 64 in 2012, Initiative 44 was put on the ballot in 2006 in an attempt to legalize the possession of one ounce or less of marijuana for adults 21 and older. The initiative failed, with 59% of Colorado voters saying no to the question of allowing possession and use.<sup>12</sup> In 2012, a more expansive initiative was placed on the ballot that would not simply allow for possession but would create the first legal marketplace for recreational marijuana in the world. Amendment 64 passed, with 55% of voters saying yes to the question.<sup>13</sup>

<sup>9</sup> *Lagoy v. Colorado*, 2007 CV 6089 (Denver County District Court, 2<sup>nd</sup> Judicial District, November 15, 2007; Denver County District Court, 2<sup>nd</sup> Judicial District, November 5, 2009).

<sup>10</sup> U.S. Department of Justice (2009). Ogden memo: Investigations and prosecutions in states authorizing the medical use of marijuana, at <http://www.justice.gov/sites/default/files/opa/legacy/2009/10/19/medical-marijuana.pdf>.

<sup>11</sup> Medical Marijuana Code: C.R.S. 12-43.3-101 *et seq.* For additional information on the MED, see <https://www.colorado.gov/enforcement/marijuanaenforcement>.

<sup>12</sup> Ballotpedia, Colorado Marijuana Possession, Initiative 44 (2006), available at [https://ballotpedia.org/Colorado\\_Marijuana\\_Possession,\\_Initiative\\_44\\_\(2006\)](https://ballotpedia.org/Colorado_Marijuana_Possession,_Initiative_44_(2006)).

<sup>13</sup> Ballotpedia, Colorado Marijuana Legalization Initiative, Amendment 64 (2012), [https://ballotpedia.org/Colorado\\_Marijuana\\_Legalization\\_Initiative,\\_Amendment\\_64\\_\(2012\)](https://ballotpedia.org/Colorado_Marijuana_Legalization_Initiative,_Amendment_64_(2012)).

Amendment 64 allows for individuals 21 years or older to grow up to six plants (three mature and three immature) and keep all of marijuana produced on the same premises, possess up to one ounce of marijuana, and give away without remuneration up to one ounce of marijuana to someone 21 years or older. It also instructed Colorado's Marijuana Enforcement Division to create rules, regulations, and licenses to allow for the first recreational marijuana marketplace by July 1, 2013. This included rules for licensing, ownership, security, labeling, production control, reduction of diversion, health and safety standards, advertising, and privacy guarantees. These rules resulted in the Retail Marijuana Code.<sup>14</sup>

The MED began accepting applications for retail stores on October 1, 2013. At that time applicants needed to have a current medical marijuana license to be eligible for a retail license. The first stores opened on January 1, 2014.<sup>15</sup>

Additional rule-making was conducted by the Department of Revenue, Department of Public Health and Environment, Department of Agriculture, and the Department of Regulatory Affairs to clarify a variety of issues that have arisen with the advent of the first legal marijuana marketplace.<sup>16</sup> Examples include issues regarding pesticide application, testing for mold and solvents, THC homogeneity in manufactured products, among others.

### Federal Response

In the wake of Amendment 64 and other recreational legalization efforts throughout the country, in 2013 the United States Department of Justice (USDJ) issued what is known as the Cole Memo (see Appendix B).<sup>17</sup> This gave guidance to U.S. Attorneys across the country. The Cole Memo set forth USDJ's enforcement priorities, including:

1. Preventing distribution of marijuana to minors
2. Preventing revenue from going to criminal enterprises, gangs, and cartels
3. Preventing diversion of marijuana from states where it is legal under state law in some form to other states
4. Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity
5. Preventing violence and the use of firearms in the cultivation and distribution of marijuana
6. Preventing driving under the influence of drugs (DUID) and exacerbation of other adverse public health consequences associated with marijuana use
7. Preventing growth on public lands with attendant public safety and environmental damages
8. Preventing marijuana possession or use on federal property

<sup>14</sup> Retail Marijuana Code: C.R.S. 12-43.4-101 *et seq.* at <https://www.colorado.gov/pacific/enforcement/laws-constitution-statutes-and-regulations-marijuana-enforcement>.

<sup>15</sup> For a detailed review of the history of the regulation of retail marijuana see Department of Regulatory Agencies (2015), *2015 sunset review: Colorado retail marijuana code*, at <https://drive.google.com/file/d/0B8bNvcf083ydSIh4NWtHTjFoa2s/view>.

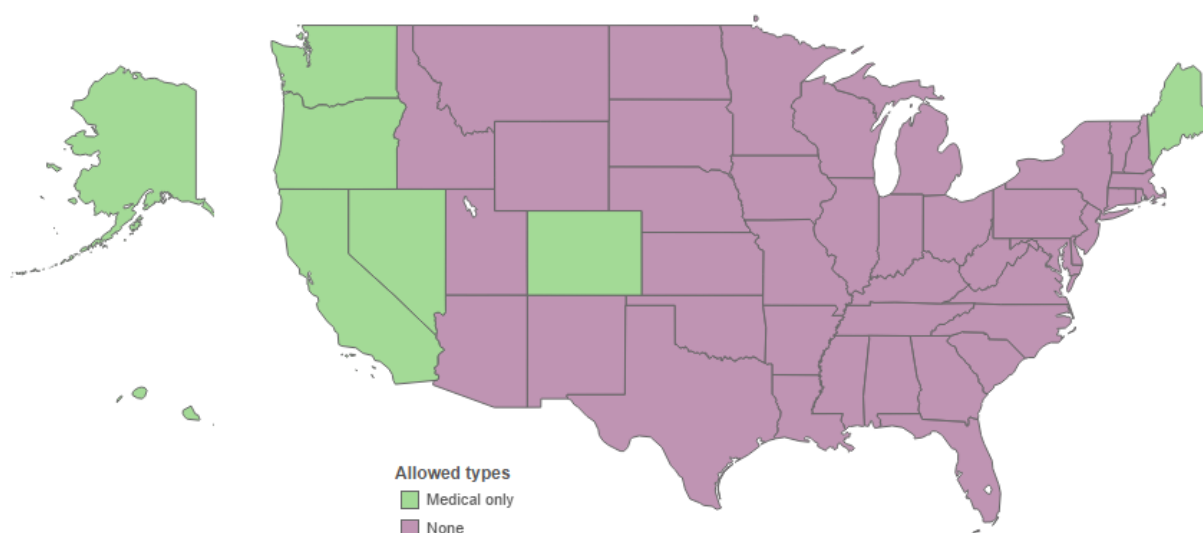
<sup>16</sup> A compendium of amendments, statutes, and rules is available in the *Colorado marijuana laws and regulations 2017* (2018). LexisNexis: Charlottesville, VA. This publication is updated annually to reflect changes in statutes and rules.

<sup>17</sup> U.S. Department of Justice (2013). *Cole memo: Guidance regarding marijuana enforcement*, at <http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>.

The General Accounting Office (GAO) reported in 2015 that USDOJ's Office of the Deputy Attorney General was monitoring the effects of marijuana legalization in two ways.<sup>18</sup> First, according to the GAO report, "U.S. Attorneys prosecute cases that threaten federal marijuana enforcement priorities and consult with state officials about areas of federal concern, such as the potential impact on enforcement priorities of edible marijuana products. Second, officials reported they collaborate with DOJ components, including the Drug Enforcement Administration (DEA) and other federal agencies, including the Office of National Drug Control Policy, and assess various marijuana enforcement-related data these agencies provide." The GAO report indicated that the USDOJ has not documented its monitoring approach, leading to a gap in knowledge about state-level adherence to the Cole memo. In Colorado, the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA), funded by the Office of National Drug Control Policy, is tracking the impact of marijuana legalization in the state and has produced five reports of findings.<sup>19</sup>

Attorney General Jeff Sessions rescinded the Cole Memo on January 4, 2018 and gave full discretion on the investigation and prosecution of marijuana offenses to the U.S. Attorneys' offices. This means that a case no longer must include violations of Cole Memo factors before it is pursued for Federal prosecution.

**Figure 1. State marijuana legalization status, 2000**



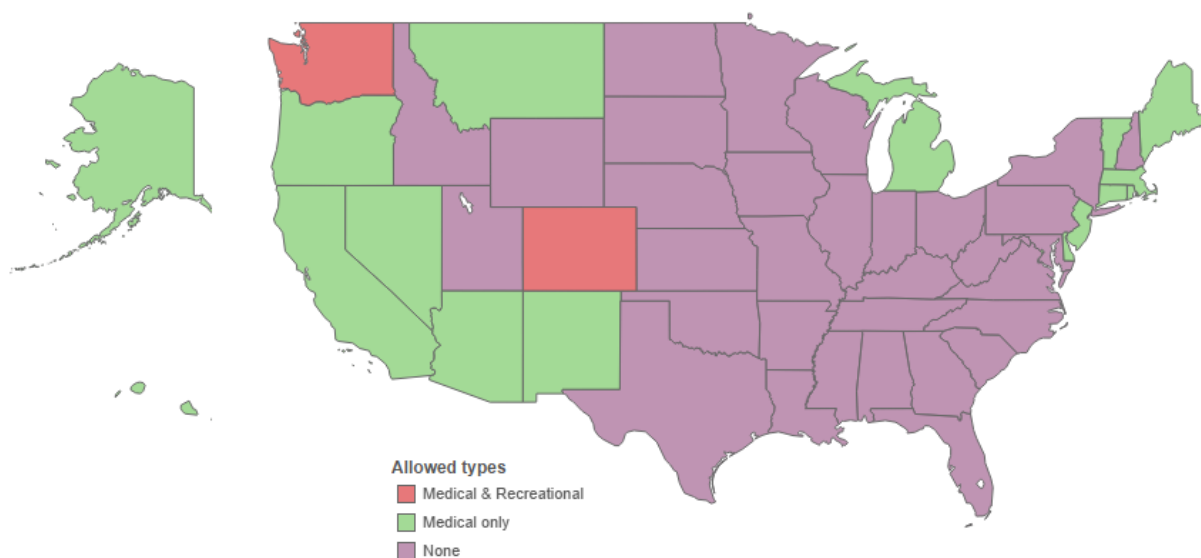
Source: National Conference of State Legislatures, at <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>.

<sup>18</sup> U.S. Government Accountability Office (2015). *State Marijuana Legalization: DOJ Should Document its Approach to Monitoring the Effects of Legalization*, available at <http://www.gao.gov/products/GAO-16-1>.

<sup>19</sup> RMHIDTA (2017). *The Legalization of Marijuana in Colorado: The Impact*, at <http://www.rmhidta.org/html/FINAL%202017%20Legalization%20of%20Marijuana%20in%20Colorado%20The%20Impact.pdf>.

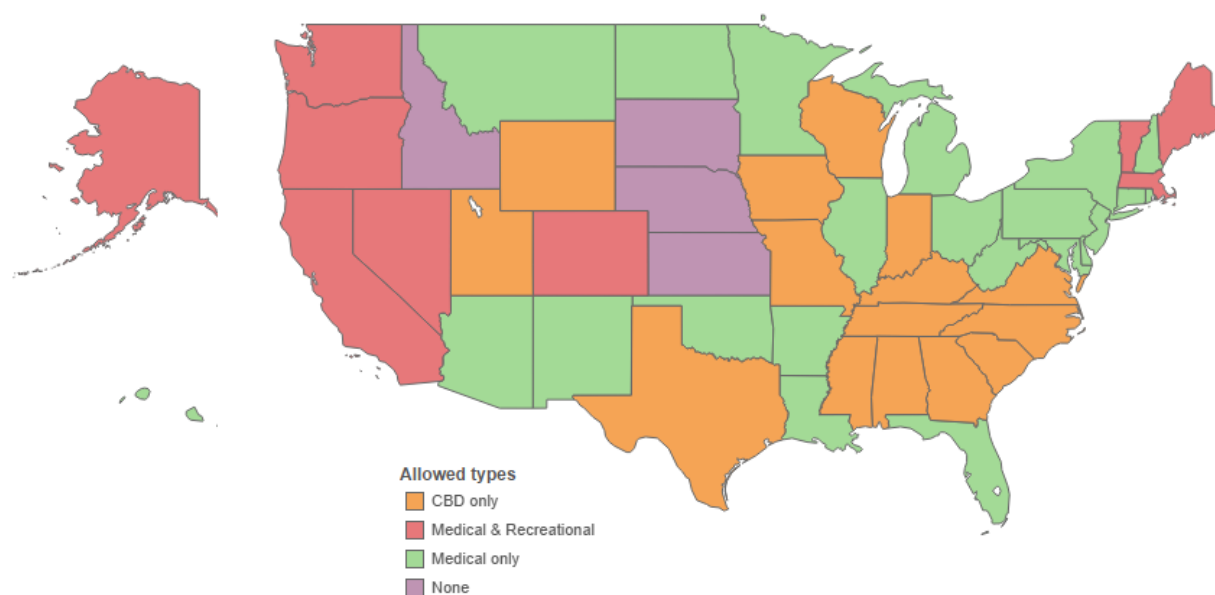


**Figure 2. State marijuana legalization status, 2012**



Source: National Conference of State Legislatures, at <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>.

**Figure 3. State marijuana legalization status, 2018**



Source: National Conference of State Legislatures, at <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>.

## Organization of this report

Section Two focuses on the public safety impacts of marijuana legalization while Section Three presents information concerning public health and behavioral services. Section Four presents impacts on youth, and Section Five provides additional information that may be of interest to the reader.

## Summary

This report presents data from multiple sources in an effort to provide information for assessing the impact of the commercialization of marijuana on public safety, public health, behavioral services, and youth access in Colorado, drawing from a myriad of data sources. It is critical to remember that important data limitations exist, and these issues are discussed throughout the report. The history of marijuana laws in Colorado, along with the Ogden and Cole Memos, reflect the dynamic environment in which regulations and enforcement are critical components. The impact of Amendment 64 on public safety is the focus of the next section.

## SECTION TWO: IMPACT ON PUBLIC SAFETY

### Overview

The potential impacts to public safety from the legalization of marijuana were of concern to the legislature, law enforcement officials, district attorneys, and other public safety stakeholders across the state. Since no jurisdiction had yet legalized marijuana for recreational purposes, the public safety impacts were unknown. The Cole Memo (see Appendix B; Section One provides a description of this memo) provided guidance on several public safety impacts of concern to the U.S. Department of Justice. The specific public safety areas of interest addressed in Senate Bill 2013-183 (see Section One for a description of this bill), some of which were influenced by the Cole Memo, included:

- Marijuana-initiated law enforcement contacts
- Marijuana arrests
- Crime around marijuana establishments
- Marijuana-related traffic accidents and DUID
- Organized crime and money laundering
- Probation infractions
- Illegal cultivation on public land
- Diversion out of state
- Transfer using parcel services

### Data Collection Challenges

Meeting the reporting requirements of Senate Bill 2013-183 remains challenging. For example, “marijuana-initiated law enforcement contacts,” a data point mandated in the bill, is not a term used by any law enforcement agency, nor is contact data (for any purpose) collected systematically by law enforcement agencies. Further, S.B. 13-283 required contact data to be disaggregated by race/ethnicity, and it is not known how a law enforcement officer would determine race/ethnicity of individuals involved in a marijuana-initiated contact. In sum, this information does not exist and therefore cannot be included in this analysis.

Information on arrests is available, but only from 2012 due to improvements in data reporting. The National Incident Based Reporting System (NIBRS) is part of the Federal Bureau of Investigation’s data collection system, and is managed locally by the Colorado Bureau of Investigation. NIBRS has significantly more information than the Uniform Crime Reporting (UCR) system, including information about drug type, which is not available in UCR data. Colorado became a “NIBRS compliant” state in 2012, with nearly all agencies reporting greater details on crime incidents. For this reason, information concerning Colorado arrests related to marijuana offenses is unavailable for analysis prior to 2012.

Data on crime around marijuana establishments are not collected in any central repository, but the Denver Police Department began a process in 2012 to assess whether such crime was a significant problem, and this information is reported below.

Likewise, information on diversion of marijuana out of state and transfer using parcel services is not collected in any central location. Additionally, with an enhanced focus on marijuana, it is possible that law enforcement agencies, becoming more aware of the issue, would increase interdiction efforts, potentially resulting in an increase in seizures which may or may not be related to an actual increase in diversion.

Significant challenges exist in the collection of information on traffic accidents and driving under the influence. The state statute on impaired driving does not differentiate between driving under the influence of alcohol and driving under the influence of drugs. Further, there is no central repository for toxicology results from drivers that would allow for an examination of impaired driving throughout the state. The current data system that collects information on roadway fatalities does not capture the specific toxicology results that would indicate impairment, does not consistently capture information on surviving drivers involved in fatalities, and is limited to testing results from three drugs detected in the driver's system.

S.B. 13-283 mandates the analysis of "probation data." To this end, probationer drug tests associated with marijuana use were analyzed,<sup>20</sup> but the State Judicial Branch's database does not capture whether an infraction or revocation was marijuana-related or even related to drugs in general.

Despite significant challenges in meeting all of the statute's reporting requirements, data that are available were analyzed to help inform stakeholders about these issues.

## Offenses and Arrests<sup>21</sup>

Data on marijuana arrests and offenses for the period 2012–2017 were obtained from the Colorado Bureau of Investigation's (CBI) National Incident-Based Reporting System (NIBRS) database. The NIBRS database includes detailed information on arrests and offenses, which the previous UCR summary reporting system did not provide. Colorado became fully NIBRS compliant in 2012, which limits the years of historical data available for analysis.

### Marijuana Arrests

#### *Overall*

The total number of marijuana arrests decreased by 56% between 2012 and 2017, from 12,709 to 6,153 (Table 2). Marijuana possession arrests, which make up the majority of all marijuana arrests, were cut by more than half (-59%). Marijuana sales arrests decreased by 17%, while arrests for marijuana production increased markedly (+51%). Marijuana arrests that were unspecified, meaning the specific reason for the arrest was not provided by law enforcement, went down by 45%. The arrest rates per 100,000 adult

<sup>20</sup> Juvenile probation data is presented in Section Four: Impacts on Youth.

<sup>21</sup> While offenses and arrests are related, they are not the same and may display different patterns. An offense is counted when a crime is reported to law enforcement, regardless of whether there is an arrest. For example, there may be a reported burglary with no related arrest. An arrest is a response to a crime, and there may be multiple arrests for a single offense. For example, one robbery committed by two suspects can result in two arrests.

population followed similar trends, with the possession rate down 59%, sales down 24%, and production up 38%.

### *Age Group*

Between 2012 and 2017, a 78% reduction in arrests occurred for those ages 21 and older for whom marijuana possession of one ounce or less is now legal (Table 2). This compares with a 37% reduction in the 18- to 20-year-old group who may legally possess only when they have a medical marijuana card. Juveniles between the ages of 10 and 17 showed a 16% decrease in the number of marijuana arrests. In 2017, juveniles accounted for over four in ten (43%) of all marijuana arrests compared to 25% in 2012. For details on arrest type, see Appendix C, Table 4.

The age group with the highest arrest rate in 2017 was 18- to 20-year-olds, at 908 per 100,000 18- to 20-year-olds in the population (Table 3). This was double the juvenile rate (453) and nearly 30 times higher than the rate for those 21 or older (34).

### *Race/Ethnicity*

The decrease in the number of marijuana arrests by race/ethnicity was greatest for White arrestees (-56%) compared to Hispanics (-39%) and Blacks (-51%). The marijuana arrest rate for Whites (118 per 100,000) and Hispanics (133 per 100,000) was comparable, but the marijuana arrest rate for Blacks (233 per 100,000) was nearly double that that for Whites (Table 3). (For details on arrest type, see Appendix C, Table 3.)

### *Gender*

Between 2012 and 2017 the number of males arrested for marijuana offenses (Table 2) decreased 55% compared to a decline of 38% for females. The arrest rate for males (189 per 100,000) was more than triple that for females (59 per 100,000) (Table 3). For details on arrest type, see Appendix C, Table 5.

**Table 2. Marijuana arrests in Colorado, 2012–2017**

|                  | Number arrested for marijuana offenses |       |       |       |       |       |
|------------------|----------------------------------------|-------|-------|-------|-------|-------|
|                  | 2012                                   | 2013  | 2014  | 2015  | 2016  | 2017  |
| Total            | 12,709                                 | 6,359 | 6,902 | 6,728 | 6,250 | 6,153 |
| Age group        |                                        |       |       |       |       |       |
| 10 to 17         | 3,168                                  | 3,030 | 3,325 | 2,956 | 2,615 | 2,655 |
| 18 to 20         | 3,307                                  | 2,241 | 2,221 | 2,064 | 2,026 | 2,099 |
| 21 or older      | 6,234                                  | 1,088 | 1,356 | 1,708 | 1,609 | 1,399 |
| Race             |                                        |       |       |       |       |       |
| White            | 9,207                                  | 4,377 | 4,499 | 4,375 | 4,129 | 4,069 |
| Hispanic         | 2,340                                  | 1,328 | 1,552 | 1,541 | 1,414 | 1,423 |
| Black            | 957                                    | 547   | 712   | 655   | 539   | 467   |
| Other            | 205                                    | 107   | 139   | 157   | 168   | 194   |
| Gender           |                                        |       |       |       |       |       |
| Male             | 10,331                                 | 5,155 | 5,445 | 5,324 | 4,859 | 4,681 |
| Female           | 2,378                                  | 1,204 | 1,457 | 1,404 | 1,391 | 1,472 |
| Drug crime type* |                                        |       |       |       |       |       |
| Sales            | 301                                    | 224   | 229   | 175   | 221   | 251   |
| Smuggling        | 6                                      | 5     | 0     | 4     | 8     | 3     |
| Possession       | 11,361                                 | 5,407 | 5,962 | 5,982 | 5,454 | 5,154 |
| Production       | 179                                    | 111   | 175   | 192   | 256   | 271   |
| Unspecified      | 1,120                                  | 766   | 653   | 526   | 439   | 621   |
| Arrest type^     |                                        |       |       |       |       |       |
| On-view arrest   | 3,059                                  | 1,209 | 1,120 | 1,074 | 1,313 | 1,353 |
| Warrant arrest   | 804                                    | 329   | 330   | 282   | 411   | 367   |
| Summons/citation | 8,846                                  | 4,821 | 5,452 | 5,372 | 4,526 | 4,433 |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

\*A person can be charged with more than one drug offense. The totals for drug crime type are slightly larger than the count of total people arrested.

^On-view are custodial arrests without a warrant or previous incident report. Warrants are custodial arrests based on a warrant or previous incident report. Summons/citations are non-custodial arrests where a citation is given to the person and they are instructed to appear in court at a later date.

**Table 3. Marijuana arrest rates in Colorado, 2012–2017**

|                  | Marijuana arrest rate (per 100,000) |      |      |      |      |      |
|------------------|-------------------------------------|------|------|------|------|------|
|                  | 2012                                | 2013 | 2014 | 2015 | 2016 | 2017 |
| Total            | 282                                 | 139  | 148  | 141  | 129  | 124  |
| Age group        |                                     |      |      |      |      |      |
| 10 to 17         | 583                                 | 550  | 595  | 519  | 453  | 453  |
| 18 to 20         | 1,491                               | 998  | 992  | 917  | 891  | 908  |
| 21 or older      | 167                                 | 29   | 35   | 43   | 40   | 34   |
| Race             |                                     |      |      |      |      |      |
| White            | 283                                 | 133  | 135  | 130  | 121  | 118  |
| Hispanic         | 266                                 | 145  | 164  | 156  | 138  | 133  |
| Black            | 533                                 | 298  | 379  | 340  | 274  | 233  |
| Other            | 107                                 | 54   | 68   | 73   | 75   | 84   |
| Gender           |                                     |      |      |      |      |      |
| Male             | 459                                 | 225  | 234  | 224  | 200  | 189  |
| Female           | 106                                 | 52   | 62   | 59   | 57   | 59   |
| Drug crime type* |                                     |      |      |      |      |      |
| Sales            | 7                                   | 5    | 5    | 4    | 5    | 5    |
| Smuggling        | 0                                   | 0    | 0    | 0    | 0    | 0    |
| Possession       | 251                                 | 118  | 128  | 126  | 112  | 104  |
| Production       | 4                                   | 2    | 4    | 4    | 5    | 5    |
| Unspecified      | 25                                  | 17   | 14   | 11   | 9    | 13   |
| Arrest type^     |                                     |      |      |      |      |      |
| On-view arrest   | 68                                  | 26   | 24   | 23   | 27   | 27   |
| Warrant arrest   | 18                                  | 7    | 7    | 6    | 8    | 7    |
| Summons/citation | 196                                 | 105  | 117  | 113  | 93   | 90   |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System; Colorado State Demography Office Data, <https://demography.dola.colorado.gov/data/>. Analyzed by the Division of Criminal Justice.

Note: Rates are calculated using data obtained from the Colorado State Demography Office. The rates for total arrests, arrests by drug crime type, and arrest type are calculated based on the total population 10 years of age and older. Rates for specific age groups are calculated based on the population in that age group. Rates by race/ethnicity and gender are calculated based on the population 10 years of age and older in those respective race/ethnicity and gender categories.

\*A person can be charged with more than one drug offense. The totals for drug crime type are slightly larger than the count of total people arrested.

^On-view are custodial arrests without a warrant or previous incident report. Warrants are custodial arrests based on a warrant or previous incident report. Summons/citations are non-custodial arrests where a citation is given to the person and they are instructed to appear in court at a later date.

### County

Nine large Colorado counties (Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Mesa, and Weld) showed a decrease in marijuana arrests between 2012 and 2017, ranging between -8% (Boulder) and -67% (Adams). The average decrease in these nine counties was -43% (see Appendix C, Tables 1 and 2). Pueblo showed a 61% increase in arrests, but the number increased by 14 arrests, from 23 in 2012 to 37 in 2017. Denver's reported marijuana arrest data for 2012 and 2013 was incomplete due to separate jail arrest and citation systems. Cite and release data were not reported to the Colorado Bureau of Investigation until July 2013. Additionally, the 2014 arrest data reported by the Denver Police Department include a non-criminal civil citation, which resulted in an over-reporting of marijuana

arrests for that year. The county-level data in Appendix C presenting this information should be interpreted with caution. Separate data provided by the Denver Police Department's Data Analysis Unit indicated an 81% decrease in total marijuana arrests, from 1,605 in 2012 to 302 in 2017 (Appendix C, Table 13).

### *Agency*

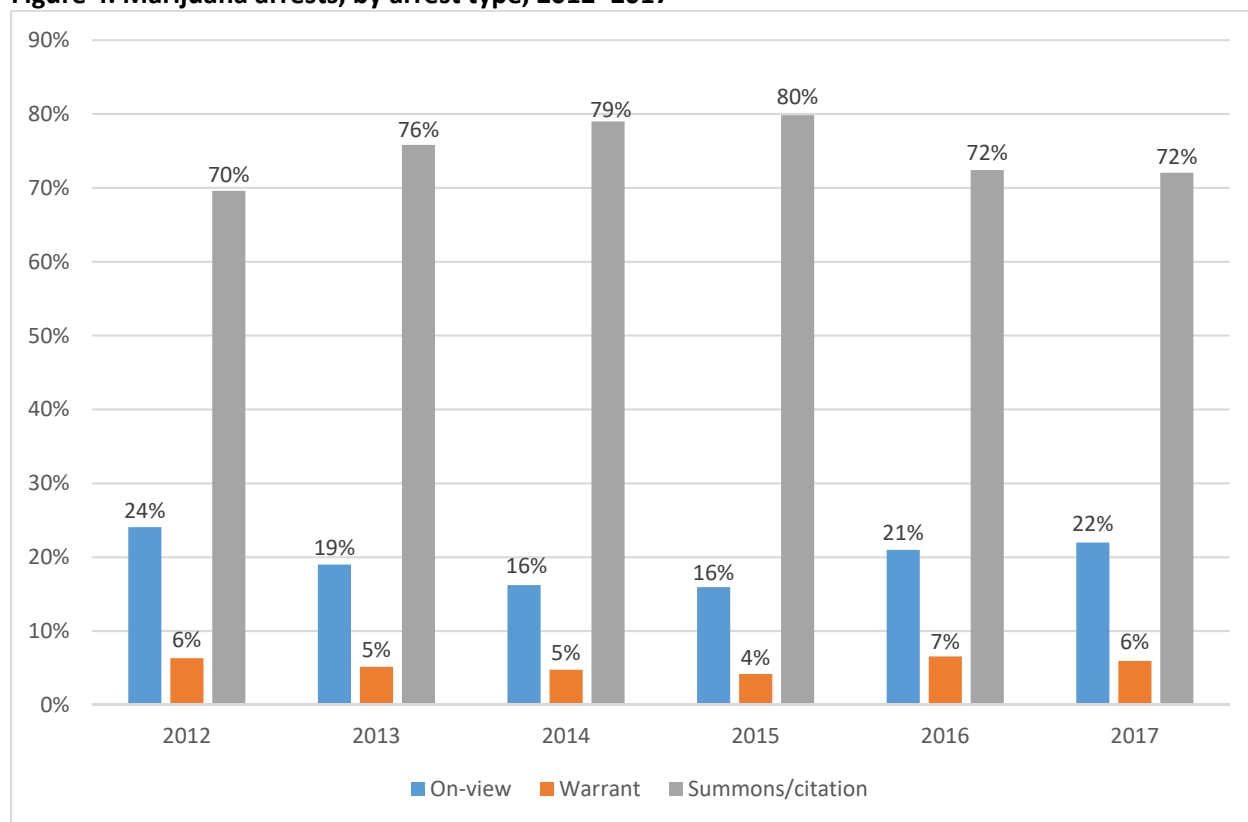
The trends for each agency reporting marijuana arrests to the National Incident Based Reporting System (NIBRS) are presented in Appendix C, Table 12. Nearly all large departments reported decreases in marijuana arrests. The biggest decreases occurred in the Boulder Police Department (-89%), Adams County Sheriff's Office (-86%), and El Paso Sheriff's Office (-84%). The University of Colorado Police Department–Boulder experienced a 23% increase in arrests (see Appendix C, Table 2). Also, please see the note regarding Denver in the previous paragraph.

### *Arrest Type*

There are three general arrest types reported by law enforcement in NIBRS. *On-view* are custodial arrests without a warrant or previous incident report. *Warrants* are custodial arrests based on a warrant or previous incident report. *Summons/citations* are non-custodial arrests where a citation is issued and the person is instructed to appear in court at a later date. As can be seen in Figure 4, after legalization the proportion of arrests that resulted in a summons or citation increased 10% between 2012 and 2015, and on-view arrests decreased by 8%. This trend reversed in 2016 and 2017 when the ratio of on-view to summons/citation arrests was back to pre-legalization levels.

Table 4 presents detailed data on the different types of marijuana arrests by age, race/ethnicity, and gender. Juveniles under 18 were more likely to receive a summons/citation (82%) than an on-view arrest (14%) or a warrant arrest (4%). Young adults 18-20 years old were also more likely to receive a summons/citation (78%) than an on-view arrest (18%) or a warrant arrest (4%). Adults 21 years or older were almost equally likely to get an on-view arrest (44%) as a summons/citation (43%). Whites were less likely to experience an on-view arrest (18%) than Hispanics (25%) or Blacks (39%). Males were arrested on-view (23%) at a slightly higher rate than females (18%).



**Figure 4. Marijuana arrests, by arrest type, 2012–2017**

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Analyzed by the Division of Criminal Justice.

Note: On-view are custodial arrests without a warrant or previous incident report. Warrants are custodial arrests based on a warrant or previous incident report. Summons/citations are non-custodial arrests.

**Table 4. Marijuana arrests, by arrest type and demographics, 2012–2017**

|                          | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|--------------------------|--------|-------|-------|-------|-------|-------|
| <b>Total</b>             |        |       |       |       |       |       |
| N arrests                | 12,709 | 6,359 | 6,902 | 6,728 | 6,250 | 6,153 |
| On-view                  | 24%    | 19%   | 16%   | 16%   | 21%   | 22%   |
| Warrant                  | 6%     | 5%    | 5%    | 4%    | 7%    | 6%    |
| Summons/citation         | 70%    | 76%   | 79%   | 80%   | 72%   | 72%   |
| <b>Age group</b>         |        |       |       |       |       |       |
| <b>10 to 17 years</b>    |        |       |       |       |       |       |
| N arrests                | 3,168  | 3,030 | 3,325 | 2,956 | 2,615 | 2,655 |
| On-view                  | 10%    | 11%   | 11%   | 11%   | 15%   | 14%   |
| Warrant                  | 4%     | 3%    | 3%    | 3%    | 3%    | 4%    |
| Summons/citation         | 86%    | 85%   | 86%   | 86%   | 82%   | 82%   |
| <b>18 to 20 years</b>    |        |       |       |       |       |       |
| N arrests                | 3,307  | 2,241 | 2,221 | 2,064 | 2,026 | 2,099 |
| On-view                  | 18%    | 20%   | 17%   | 17%   | 18%   | 18%   |
| Warrant                  | 5%     | 5%    | 4%    | 3%    | 5%    | 4%    |
| Summons/citation         | 77%    | 75%   | 79%   | 80%   | 77%   | 78%   |
| <b>21 years or older</b> |        |       |       |       |       |       |
| N arrests                | 6,234  | 1,088 | 1,356 | 1,708 | 1,609 | 1,399 |
| On-view                  | 34%    | 39%   | 28%   | 23%   | 35%   | 44%   |
| Warrant                  | 8%     | 11%   | 10%   | 7%    | 13%   | 13%   |
| Summons/citation         | 57%    | 50%   | 63%   | 69%   | 52%   | 43%   |
| <b>Race</b>              |        |       |       |       |       |       |
| <b>White</b>             |        |       |       |       |       |       |
| N arrests                | 9,207  | 4,377 | 4,499 | 4,375 | 4,129 | 4,069 |
| On-view                  | 23%    | 18%   | 16%   | 15%   | 17%   | 18%   |
| Warrant                  | 6%     | 5%    | 5%    | 4%    | 6%    | 5%    |
| Summons/citation         | 71%    | 77%   | 80%   | 80%   | 77%   | 76%   |
| <b>Hispanic</b>          |        |       |       |       |       |       |
| N arrests                | 2,340  | 1,328 | 1,552 | 1,541 | 1,414 | 1,423 |
| On-view                  | 27%    | 20%   | 17%   | 17%   | 26%   | 25%   |
| Warrant                  | 7%     | 5%    | 5%    | 5%    | 8%    | 8%    |
| Summons/citation         | 65%    | 74%   | 77%   | 79%   | 67%   | 67%   |
| <b>Black</b>             |        |       |       |       |       |       |
| N arrests                | 957    | 547   | 712   | 655   | 539   | 467   |
| On-view                  | 30%    | 23%   | 18%   | 17%   | 38%   | 39%   |
| Warrant                  | 6%     | 3%    | 5%    | 2%    | 5%    | 6%    |
| Summons/citation         | 65%    | 74%   | 77%   | 80%   | 57%   | 55%   |
| <b>Other race</b>        |        |       |       |       |       |       |
| N arrests                | 205    | 107   | 139   | 157   | 168   | 194   |
| On-view                  | 25%    | 17%   | 12%   | 20%   | 30%   | 36%   |

|                  | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|------------------|--------|-------|-------|-------|-------|-------|
| Warrant          | 8%     | 8%    | 6%    | 6%    | 7%    | 5%    |
| Summons/citation | 67%    | 75%   | 83%   | 74%   | 63%   | 60%   |
| <b>Gender</b>    |        |       |       |       |       |       |
| <b>Male</b>      |        |       |       |       |       |       |
| N arrests        | 10,331 | 5,155 | 5,445 | 5,324 | 4,859 | 4,681 |
| On-view          | 25%    | 20%   | 18%   | 17%   | 22%   | 23%   |
| Warrant          | 6%     | 5%    | 5%    | 5%    | 7%    | 6%    |
| Summons/citation | 69%    | 75%   | 77%   | 79%   | 71%   | 70%   |
| <b>Female</b>    |        |       |       |       |       |       |
| N arrests        | 2,378  | 1,204 | 1,457 | 1,404 | 1,391 | 1,472 |
| On-view          | 21%    | 15%   | 11%   | 13%   | 16%   | 18%   |
| Warrant          | 6%     | 4%    | 3%    | 3%    | 5%    | 5%    |
| Summons/citation | 73%    | 81%   | 86%   | 84%   | 79%   | 77%   |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Analyzed by the Division of Criminal Justice.

Note: On-view are custodial arrests without a warrant or previous incident report. Warrants are custodial arrests based on a warrant or previous incident report. Summons/citations are non-custodial arrests.

### *Offense Location*

NIBRS captures information on the place an offense was reported to have occurred. There are 57 categories, including public transportation, bars, convenience stores, homes, parks/playgrounds, parking lots, primary/secondary schools, colleges, among others. Data for offenses grouped by place are presented in Table 5 and data for all places may be found in Appendix D.

Overall, the number of offenses decreased by 52%, from 12,798 in 2012 to 6,182 in 2017. The locations showing the largest drops were highway/road/street (-72%), retail site/bank/restaurant/bar (-49%), and private buildings (-42%). The locations with an increased number of offenses were college/university (+56%), elementary/secondary school (+13%), and private workplace (+10%).

**Table 5. Marijuana offenses, by location type, 2012–2017**

| Location type                            | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|------------------------------------------|--------|-------|-------|-------|-------|-------|
| Total                                    | 12,798 | 5,989 | 6,531 | 6,535 | 6,244 | 6,182 |
| Highway/road/street                      | 6,799  | 2,227 | 2,196 | 2,221 | 2,057 | 1,937 |
| Elementary/secondary school              | 1,010  | 1,390 | 1,655 | 1,355 | 1,239 | 1,144 |
| Private building                         | 1,636  | 611   | 706   | 727   | 848   | 864   |
| Public space                             | 1,401  | 780   | 950   | 1,034 | 908   | 810   |
| College/university                       | 519    | 448   | 465   | 600   | 572   | 809   |
| Other                                    | 572    | 225   | 267   | 261   | 291   | 249   |
| Retail site/bank/restaurant/bar          | 441    | 211   | 194   | 227   | 216   | 223   |
| Private workplace                        | 78     | 49    | 55    | 61    | 72    | 86    |
| Public building                          | 84     | 48    | 43    | 49    | 41    | 60    |
| Secondary School/university (historical) | 258    | 0     | 0     | 0     | 0     | 0     |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System data. Analyzed by the Division of Criminal Justice.

Note: The location type of Secondary School/University (historical) was split up into specific categories of Elementary/Secondary School and College/University partway through 2012. It is not possible to determine the specific location in the historical data and so it is presented separately here.

### *Marijuana Seizures*

Seizures of marijuana are reported in NIBRS using the property field. The quantity of marijuana is noted, either by weight, liquid volume, dosage units, or number of plants.<sup>22</sup> The type of marijuana seized, such as flower/bud, concentrates, edibles, oils, etc. is not indicated. Additionally, sometimes the quantity of seized marijuana is not reported. Table 6 presents a trend of the quantity of marijuana seized and the number of reports. The weight of marijuana seized initially decreased, from 7,696.5 pounds in 2012 to 3010.2 pounds in 2014, but rebounded in 2017 when over 10,000 pounds of marijuana was seized. The liquid volume of seizures has fluctuated greatly, from a low 0.8 gallons in 2014 to a high of 41.4 gallons in 2017. The number of dosage units has also fluctuated, from a low of 431.0 in 2013 to a high of 31,131.4 in 2014, with 5,243.0 dosage units reported seized in 2017. The number of total plants seized followed a trend similar to the weight seized, with an initial decrease of plants seized in 2012 (28,283.5 plants to 2013 (1,228), and then an increase in 2017 to 25,254 plants.

<sup>22</sup> The possible weight categories include grams, kilograms, ounces, or pounds. Liquid volume includes milliliters, liters, fluid ounces, or gallons. Dosage units are individual items, such as edibles. Plants are physical plants seized.

**Table 6. Quantity of marijuana seized and number of reported seizures, by measurement type, 2012–2017**

| Quantity seized      |           | 2012     | 2013    | 2014     | 2015    | 2016     | 2017     |
|----------------------|-----------|----------|---------|----------|---------|----------|----------|
| Total weight-pounds  | Amount    | 7,696.5  | 3,364.0 | 3,010.2  | 5,103.4 | 5,145.3  | 10,358.2 |
|                      | N reports | 11,762   | 5,183   | 5,077    | 4,623   | 4,614    | 4,889    |
| Total volume-gallons | Amount    | 14.9     | 0.9     | 0.8      | 60.0    | 6.0      | 41.4     |
|                      | N reports | 12       | 2       | 3        | 10      | 14       | 10       |
| Total dosage units   | Amount    | 1,631.8  | 431.0   | 31,131.4 | 592.4   | 8,778.8  | 5,243.0  |
|                      | N reports | 169      | 50      | 60       | 90      | 130      | 199      |
| Total plants         | Amount    | 28,283.5 | 1,228.0 | 2,839.7  | 4,000.0 | 10,076.0 | 25,254.7 |
|                      | N reports | 115      | 26      | 22       | 21      | 64       | 95       |
| Not reported         | Amount    | NA       | NA      | NA       | NA      | NA       | NA       |
|                      | N reports | 398      | 555     | 772      | 900     | 582      | 399      |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System data. Analyzed by the Division of Criminal Justice.

Note: See Appendix E for a description of the quantity and number of seizures by county.

## Marijuana Court Case Filings

The Colorado State Judicial Branch's data system<sup>23</sup> was queried for marijuana cases filed<sup>24</sup> between 2008 and 2017. The State Judicial data system captures information from county and district courts statewide, with the exception of Denver County Court. The data include information on statute, charge description, charge classification, judicial district, defendant age, and defendant race.<sup>25</sup> The charges were categorized according to the text entered into the charge description field. Filings data are based on a calendar year.

The number of marijuana-related case filings declined 47% between 2012 and 2017, from 9,923 to 5,288 (Table 7).<sup>26</sup> The number of cases with a felony as the top charge declined initially (986 in 2012 to 418 in 2014) but have since rebounded to near pre-legalization levels (907 in 2017). This contrasts with the decline in misdemeanors (-13%) and petty offenses (-62%) between 2012 and 2017.

The age of defendants is grouped into three categories. Between 2012 and 2017, case filings declined 1% in the 10- to 17-year-old group; in the 18- to 20-year-old group, filings declined 28%; in the 21 and older age group, filings declined 67%. Males saw a 49% drop in total marijuana cases filed while females experienced a 37% decline from 2012 to 2017.

<sup>23</sup> Misdemeanor and petty offense charges from the City and County of Denver are not entered in the State Judicial database and are therefore presented in a separate table. Felony charges from Denver are included.

<sup>24</sup> This includes charges under C.R.S. 12-43.4-901, 18-8-203, 18-13-122, 18-18-406 (excluding the subsections for synthetics and salvia), 18-18-414, and 42-4-1305.5.

<sup>25</sup> Judicial's race category does not consistently capture whether a defendant's ethnicity is Hispanic and will not be used here. For example, upon examining the data for 2017, only 7% of defendants were characterized as Hispanic compared to 21% of the general population and 23% of the marijuana arrestee population.

<sup>26</sup> The overall totals and totals for those under 21 are higher than in the 2016 version of this report due to the addition of a minor in possession charge that was not included in the original 2016 query.

The charge of marijuana possession underwent a change in 2014 with the addition of the specific charge of *possession of marijuana under the age of 21*. Consequently, examining the trend in possession filings requires adding both of these charges together prior 2015 since that was the first full year the new charge was consistently used.

Between 2012 and 2017, possession offenses dropped 54% (9,475 to 4,339), possession with intent to distribute increased 61% (464 to 745), distribution dropped 9% (438 to 398), manufacture increased 42% (467 to 661), and conspiracy increased 45% (168 to 243). There was a 20% increase between 2015 and 2017 (2,927 to 3,502).

**Table 7. Marijuana cases filed and charges, by classification, category, and age group, 2008–2017**

|                                                | 2008   | 2009   | 2010   | 2011   | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|------------------------------------------------|--------|--------|--------|--------|--------|-------|-------|-------|-------|-------|
| Total cases filed                              | 11,753 | 10,902 | 10,108 | 9,791  | 9,923  | 4,041 | 4,619 | 4,934 | 4,913 | 5,288 |
| Total charges filed*                           | 18,183 | 14,222 | 11,518 | 11,123 | 11,238 | 4,845 | 5,515 | 6,544 | 6,891 | 7,477 |
| Average number of charges per case             | 1.5    | 1.3    | 1.1    | 1.1    | 1.1    | 1.2   | 1.2   | 1.3   | 1.4   | 1.4   |
| <b>Age group</b>                               |        |        |        |        |        |       |       |       |       |       |
| 10-17 years old                                | 1,754  | 1,616  | 1,640  | 1,544  | 1,624  | 1,492 | 1,532 | 1,766 | 1,496 | 1,607 |
| 18-20 years old                                | 3,093  | 2,785  | 2,451  | 2,456  | 2,381  | 1,491 | 1,579 | 1,610 | 1,621 | 1,710 |
| 21 years or older                              | 6,880  | 6,484  | 6,002  | 5,777  | 5,901  | 1,049 | 1,502 | 1,548 | 1,786 | 1,949 |
| <b>Gender</b>                                  |        |        |        |        |        |       |       |       |       |       |
| Male                                           | 9,748  | 9,085  | 8,348  | 8,048  | 8,114  | 3,315 | 3,724 | 3,888 | 3,933 | 4,125 |
| Female                                         | 1,965  | 1,792  | 1,726  | 1,719  | 1,787  | 706   | 859   | 1,013 | 960   | 1,129 |
| Unknown                                        | 40     | 25     | 34     | 24     | 22     | 20    | 36    | 33    | 20    | 34    |
| <b>Highest marijuana charge classification</b> |        |        |        |        |        |       |       |       |       |       |
| Felony                                         | 1,431  | 1,412  | 1,347  | 1,017  | 986    | 627   | 418   | 581   | 789   | 907   |
| Misdemeanor                                    | 778    | 694    | 637    | 628    | 594    | 406   | 531   | 428   | 427   | 472   |
| Petty offense                                  | 9,543  | 8,790  | 8,122  | 8,143  | 8,340  | 2,932 | 2,831 | 3,229 | 3,006 | 3,196 |
| Traffic                                        | 0      | 0      | 0      | 0      | 0      | 76    | 837   | 694   | 690   | 713   |
| Unknown                                        | 1      | 3      | 1      | 1      | 3      | 0     | 2     | 2     | 1     | 0     |
| <b>Charge type*</b>                            |        |        |        |        |        |       |       |       |       |       |
| Conspiracy                                     | 96     | 142    | 178    | 208    | 168    | 126   | 71    | 112   | 179   | 243   |
| Distribution                                   | 440    | 440    | 455    | 428    | 438    | 401   | 305   | 323   | 351   | 398   |
| Manufacture                                    | 320    | 331    | 464    | 460    | 467    | 169   | 141   | 329   | 564   | 661   |
| Other                                          | 5,745  | 1,917  | 23     | 5      | 10     | 5     | 1     | 2     | 3     | 4     |
| Possession                                     | 10,651 | 10,417 | 9,580  | 9,279  | 9,475  | 3,477 | 2,659 | 1,295 | 883   | 837   |
| Possession under age of 21                     |        |        |        |        |        | 3     | 731   | 2,927 | 3,306 | 3,502 |
| Possession with intent to distribute           | 823    | 823    | 643    | 547    | 464    | 328   | 284   | 470   | 609   | 745   |
| Possession-consumption in vehicle              |        |        |        | 1      | 10     | 95    | 1,012 | 874   | 830   | 856   |
| Public consumption                             | 108    | 152    | 175    | 195    | 206    | 241   | 311   | 212   | 166   | 231   |

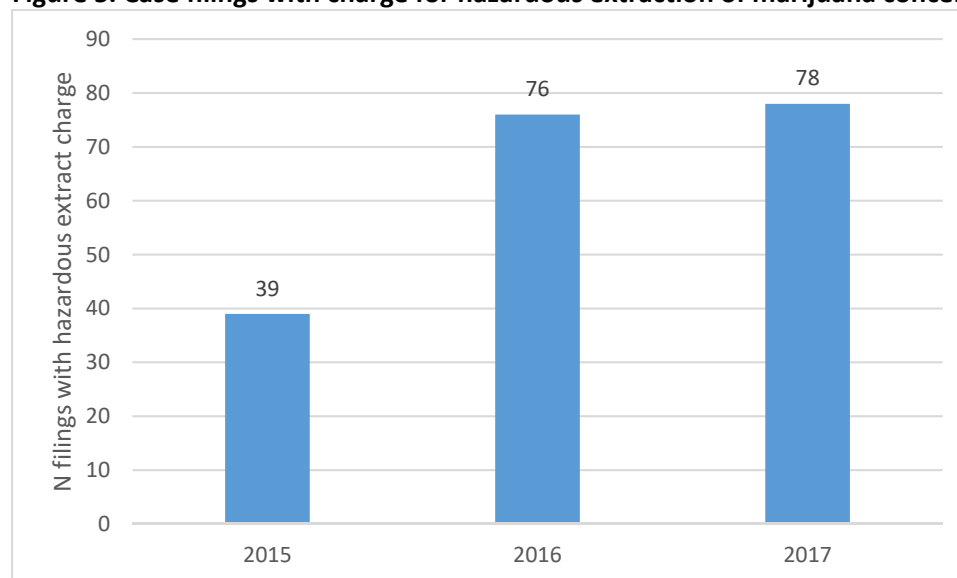
Source: Data provided by the Colorado State Judicial Branch, analyzed by the Division of Criminal Justice.

Note: This analysis does not include data from the City and County of Denver.

\* The charge category presents all charges, not just the top charge on the cases filed. The numbers in the charge type section of this table will sum to the value in the *Total charges filed* row.

The number of court case filings for manufacturing concentrate (such as hash oil, wax, shatter) using an inherently hazardous substance, such as butane (C.R.S. 18-18-406.6, effective date July 1, 2015), is presented in Figure 5. There were 76 filings of manufacturing concentrates in 2016 and 78 in 2017.

**Figure 5. Case filings with charge for hazardous extraction of marijuana concentrates, 2015–2017**



Source: Colorado State Judicial Branch, analyzed by the Division of Criminal Justice.

Note: The law making the hazardous extraction of concentrates illegal went into effect July 1, 2015.

The Denver County Court, which processes petty offenses and misdemeanors, does not provide data to the State Judicial data system, and so this information is presented separately below. The number of marijuana filings in Denver County Court decreased over time, from 1,174 in 2014 to 739 in 2017, a reduction of 37% (Table 8). The only charge type showing an increase were offenses within 1,000 feet of schools.

**Table 8. Misdemeanor and petty offense filings for marijuana in Denver County Court, by charge, 2014–17**

| Offense Charge                                                           | 2014  | 2015  | 2016 | 2017 |
|--------------------------------------------------------------------------|-------|-------|------|------|
| Total                                                                    | 1,174 | 1,192 | 965  | 739  |
| Minor in possession                                                      | 371   | 297   | 212  | 192  |
| Public consumption                                                       | 484   | 548   | 453  | 294  |
| Offenses within 1,000 feet of schools <sup>a</sup>                       | 24    | 120   | 107  | 113  |
| Offenses on/within one block of 16 <sup>th</sup> St. Mall <sup>a,b</sup> | 138   | 48    | 15   | 11   |
| Offenses in parks or recreational facilities <sup>a</sup>                | 157   | 179   | 178  | 129  |

Source: Data provided by City and County of Denver, Office of Marijuana Policy.

<sup>a</sup> Offenses include consumption, use, display, transfer, distribution, sale, or the grows of marijuana.

<sup>b</sup> The 16<sup>th</sup> Street Mall is an open-air pedestrian mall located in downtown Denver that has a substantial number of restaurants and shops.

### Organized Crime Charges

The number of court case filings in which the Colorado Organized Crime Control Act (COCCA) was charged in conjunction with a marijuana charge is presented in Table 9. One case filing can be associated with multiple charges, so the sum of charges will exceed the number of filings. The number of COCCA filings has increased significantly, from 31 in 2012 to 119 in 2017. The types of charges associated with COCCA filings that increased most were manufacturing of marijuana or marijuana products (25 to 142) and possession of marijuana with intent to sell (32 to 124).

**Table 9. Marijuana case filings associated with Colorado Organized Crime Control Act, 2008-17**

|      | N COCCA<br>case filings | Marijuana charges associated with COCCA case |             |              |                                      |            |       |
|------|-------------------------|----------------------------------------------|-------------|--------------|--------------------------------------|------------|-------|
|      |                         | Conspiracy                                   | Manufacture | Distribution | Possession<br>with intent<br>to sell | Possession | Other |
| 2008 | 3                       | 0                                            | 2           | 4            | 1                                    | 0          | 0     |
| 2009 | 8                       | 2                                            | 1           | 2            | 5                                    | 4          | 0     |
| 2010 | 18                      | 30                                           | 42          | 33           | 10                                   | 1          | 6     |
| 2011 | 15                      | 77                                           | 9           | 32           | 34                                   | 1          | 0     |
| 2012 | 31                      | 56                                           | 25          | 43           | 32                                   | 4          | 0     |
| 2013 | 15                      | 21                                           | 26          | 24           | 1                                    | 4          | 1     |
| 2014 | 1                       | 0                                            | 0           | 0            | 1                                    | 0          | 0     |
| 2015 | 40                      | 61                                           | 107         | 58           | 60                                   | 8          | 0     |
| 2016 | 81                      | 72                                           | 109         | 93           | 77                                   | 10         | 0     |
| 2017 | 119                     | 135                                          | 142         | 127          | 124                                  | 6          | 0     |

Source: Colorado State Judicial Branch, analyzed by the Division of Criminal Justice.

Note: A single case filing can be associated with multiple charges, so the sum of charges will exceed the number of filings.

### Crime Around Marijuana Establishments

The number of crimes around marijuana establishments is difficult to measure. Colorado does not have a statewide database that places all reported crimes at a specific location. The Denver Police Department began a project to review all reported crime to determine if there was a clear connection or relationship to marijuana. Additionally, the project identifies whether the crime was related to the marijuana industry or not.

The total number of industry-related crimes remained stable and made up a very small portion of overall crime in Denver (Table 10). The most common industry-related crime was burglary, which accounted for 59% of all industry-related crime in 2017. There has been concern that, due to the cash-only nature of the industry, robbery would be prevalent but this has not been the case.

The number of nonindustry-related marijuana crimes was small and remained stable. Burglary accounted for 40% of nonindustry-related crime in 2017, followed by robbery at 29% (Table 10).



**Table 10. Marijuana Crime in Denver, 2012–2017<sup>27</sup>**

|                                          | 2012       | 2013       | 2014          | 2015          | 2016          | 2017          |
|------------------------------------------|------------|------------|---------------|---------------|---------------|---------------|
| <b>Industry</b>                          |            |            |               |               |               |               |
| Robbery                                  | 2          | 4          | 7             | 5             | 3             | 6             |
| Aggravated assault                       | 1          | 0          | 0             | 1             | 0             | 0             |
| Other person                             | 3          | 7          | 8             | 3             | 0             | 3             |
| Burglary                                 | 134        | 102        | 114           | 117           | 170           | 80            |
| Theft                                    | 14         | 14         | 24            | 26            | 19            | 17            |
| Trespassing                              | 1          | 2          | 2             | 4             | 3             | 4             |
| Criminal mischief                        | 20         | 19         | 14            | 14            | 10            | 12            |
| Forgery/fraud                            | 0          | 1          | 1             | 1             | 2             | 3             |
| Arson                                    | 1          | 0          | 0             | 1             | 1             | 0             |
| Drug                                     | 0          | 1          | 1             | 11            | 6             | 2             |
| Other                                    | 1          | 4          | 2             | 3             | 0             | 8             |
| <b>Total</b>                             | <b>177</b> | <b>154</b> | <b>173</b>    | <b>186</b>    | <b>214</b>    | <b>135</b>    |
| <b>Non-industry</b>                      |            |            |               |               |               |               |
| Robbery                                  | 19         | 20         | 27            | 23            | 17            | 14            |
| Aggravated assault                       | 3          | 6          | 5             | 3             | 6             | 1             |
| Other person                             | 1          | 4          | 7             | 8             | 2             | 7             |
| Burglary                                 | 17         | 30         | 39            | 20            | 22            | 19            |
| Theft                                    | 10         | 12         | 19            | 15            | 8             | 4             |
| Trespassing                              | 1          | 1          | 1             | 0             | 1             | 0             |
| Criminal mischief                        | 1          | 3          | 0             | 0             | 2             | 1             |
| Forgery/fraud                            | 0          | 0          | 0             | 0             | 0             | 0             |
| Arson                                    | 0          | 0          | 0             | 0             | 0             | 1             |
| Drug                                     | 1          | 1          | 3             | 1             | 1             | 1             |
| Other                                    | 0          | 3          | 2             | 2             | 0             | 0             |
| <b>Total</b>                             | <b>53</b>  | <b>80</b>  | <b>103</b>    | <b>72</b>     | <b>59</b>     | <b>48</b>     |
| <b>Total</b>                             |            |            |               |               |               |               |
| Robbery                                  | 21         | 24         | 34            | 28            | 20            | 20            |
| Aggravated assault                       | 4          | 6          | 5             | 4             | 6             | 1             |
| Other person                             | 4          | 11         | 15            | 11            | 2             | 10            |
| Burglary                                 | 151        | 132        | 153           | 137           | 192           | 99            |
| Theft                                    | 24         | 26         | 43            | 41            | 27            | 21            |
| Trespassing                              | 2          | 3          | 3             | 4             | 4             | 4             |
| Criminal mischief                        | 21         | 22         | 14            | 14            | 12            | 13            |
| Forgery/fraud                            | 0          | 1          | 1             | 1             | 2             | 3             |
| Arson                                    | 1          | 0          | 0             | 1             | 1             | 1             |
| Drug                                     | 1          | 2          | 4             | 12            | 7             | 3             |
| Other                                    | 1          | 7          | 4             | 5             | 0             | 8             |
| <b>Total</b>                             | <b>230</b> | <b>234</b> | <b>276</b>    | <b>258</b>    | <b>273</b>    | <b>183</b>    |
| <b>Total criminal offenses in Denver</b> | <b>NA</b>  | <b>NA</b>  | <b>61,276</b> | <b>64,317</b> | <b>65,368</b> | <b>66,000</b> |

Source: Denver Open Data Catalog, Crime Marijuana, at <https://www.denvergov.org/opendata/dataset/city-and-county-of-denver-crime-marijuana>. Retrieved 6/6/2018; updated by source 2/27/2018. Denver Police Department Crime Statistics. <https://www.denvergov.org/content/denvergov/en/police-department/crime-information/crime-statistics-maps/crime-statistics-archives.html>

<sup>27</sup> Note from the Denver Police Department: “Data in this file are crimes reported to the Denver Police Department which, upon review, were determined to have clear connection or relation to marijuana. These data do not include police reports for violations restricting the possession, sale, and/or cultivation of marijuana. This dataset is based upon the National Incident Based Reporting System (NIBRS) which includes all victims of person crimes and all crimes within an incident. The data is dynamic, which allows for additions, deletions and/or modifications at any time, resulting in more accurate information in the database. Due to continuous data entry, the number of records in subsequent extractions are subject to change. Industry-related crimes involve marijuana and licensed marijuana facilities. These reported crimes are committed against the licensed industry or by the industry itself. Non-Industry crimes are crimes reported where marijuana is the primary target in the commission of these crime but the marijuana has no readily apparent tie to a licensed operation.” The Denver Police Department changed its data system in 2013, therefore crime data prior to that time is not comparable.

## Traffic Safety

### Driving Under the Influence<sup>28</sup>

#### *Detection Issues*

It is difficult to gauge the scope of DUID for a number of reasons. First, there is no criminal charge that specifies that the driver is impaired by drugs instead of, or in combination with, alcohol. The current statute applies to driving under the influence of alcohol, drugs, or a combination of the two.<sup>29</sup> Second, there is no central repository of toxicology results that would allow for an analysis of trends. Third, at a traffic stop, law enforcement may choose not to pursue additional toxicology testing if the driver is exhibiting indicia of impairment from alcohol. The additional time and cost required for further toxicology testing may not be considered worthwhile if the burden of proof for impairment is already being met by a BAC (blood alcohol content) level.

Colorado established a limit of 5 ng/mL of Delta 9-THC in whole blood that creates a permissible inference that a “defendant was under the influence of one or more drugs.”<sup>30</sup> After an arrest, if the officer has probable cause to believe the suspect is impaired by drugs and/or alcohol,<sup>31</sup> the officer may transfer the suspect to a location where blood can be drawn for further toxicology screening. The Delta-9 THC level in blood decreases rapidly in the first hour after use, then gradually thereafter, making prompt testing critical.<sup>32</sup>

Importantly, the findings below should be considered in light of the fact that the number of peace officers who have been trained to identify driving impairment from drugs other than alcohol has increased substantially in recent years. In 2012 there were 129 peace officers statewide trained as Drug Recognition Experts (DREs) and by June of 2018 there were 214. Additionally, hundreds of additional peace officers have also received training in Advanced Roadside Impaired Driving Enforcement (ARIDE).

Figure 6 depicts results from a study that examined Delta-9 THC concentration, subjective high, and performance of subjects.<sup>33</sup> It shows that THC concentration peaks early, but the impairing effects on driving-related performance tasks and subjective high continue long after the peak concentration. This suggests that there are performance deficits that follow the peak of THC concentration. Furthermore, high THC concentration in whole-blood does not perfectly correspond to impairment.

<sup>28</sup> In 2017 the Colorado General Assembly enacted House Bill 1315, mandating the Division of Criminal Justice (DCJ) in the Colorado Department of Public Safety collect and analyze specific data regarding driving under the influence of drugs and alcohol. It includes a requirement to report on the number of convictions with evidentiary test results indicating impairment by alcohol, marijuana, Schedule I drugs (C.R.S., 18-18-203), other drugs, or any combination of these. This report is available at [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf). Much of the information presented in this section is excerpted from this report.

<sup>29</sup> C.R.S. 42-4-1301.

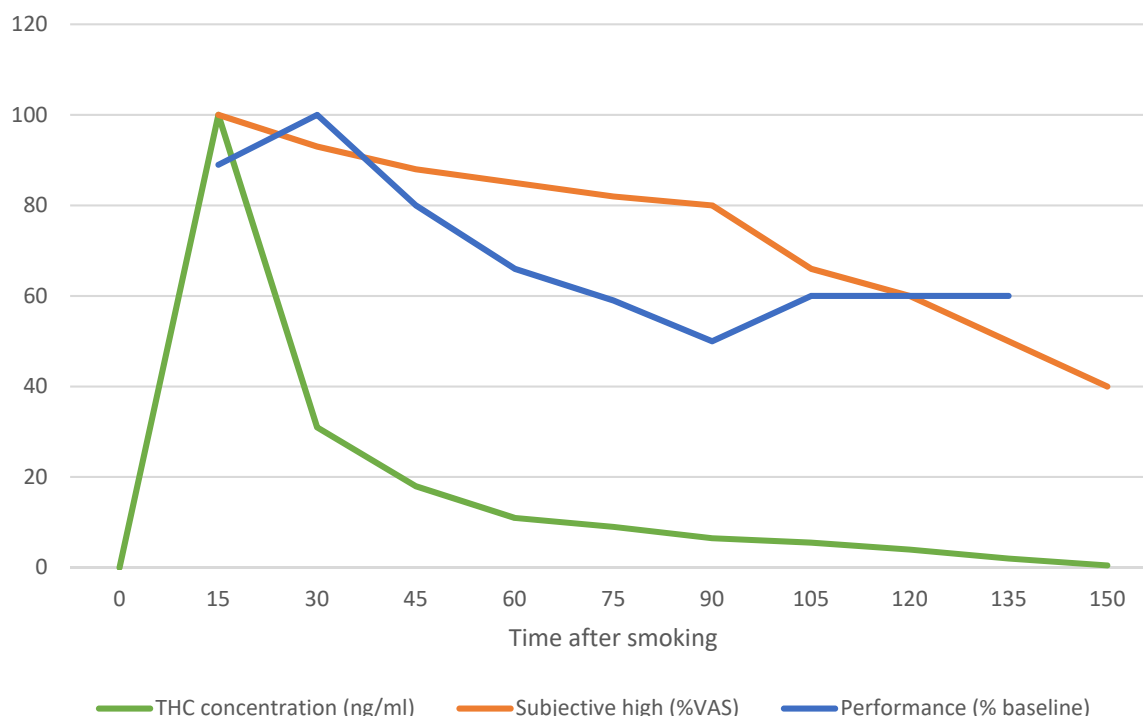
<sup>30</sup> C.R.S. 42-4-1301 (6)(a)(IV).

<sup>31</sup> An officer may also transport a suspect for blood screening when alcohol is the only substance suspected. There are evidentiary breath alcohol testers available to law enforcement that are easy to administer and that are available in jails and some police stations.

<sup>32</sup> Atha, M. (2000). *Blood and urine drug testing for cannabinoids*, available at <http://www.idmu.co.uk/pdfs/drugtest.pdf>.

<sup>33</sup> Berghaus et al. 1998, Sticht and Käferstein 1998, and Robbe 1994 as cited in Compton, R. (2017, July). *Marijuana-Impaired Driving - A Report to Congress*. (DOT HS 812 440). Washington, DC: National Highway Traffic Safety Administration.

**Figure 6. Time course of Delta-9 THC concentration, subjective high, and performance**



Source: Berghaus et al. (1998); Sticht and Käferstein (1998); and Robbe (1994) as cited in Compton (2017).

Further compounding the problem of linking whole blood concentrations of THC with impairment is the context of individual consumption. Karschner et al. (2009) found that chronic cannabis users had measurable concentrations of Delta-9 THC during a seven-day abstinence period. The highest level observed at the conclusion of the seven days was 3.0 ng/mL, as a result of THC being stored in fat and its ability to slowly release from the tissue.<sup>34</sup> This becomes a problem for frequent and medicinal users who may continuously have THC detectable in their blood without noticeable impairing effects.

Despite the complicated relationship between the pharmacokinetics of cannabis and impairment, there have been developments in oral fluid (OF) roadside tests to detect cannabis. The benefits of this exam are many, but there are also many caveats. The Society of Forensic Toxicologists indicated that OF concentrations of THC were correlated with blood levels after three hours, and one study found that passive exposure to cannabis may result in a positive OF screen.<sup>35, 36</sup> In a review of the literature, NHTSA

<sup>34</sup> Experimental protocol with abstinence monitored, not self-reported, on 25 subjects. See Karschner, E. L., Schwilke, E. W., Lowe, R. H., Darxin, D., Pope, H. G., Herning, R., Lud Cadet, J., & Huestis, M. A. (2009). Do  $\Delta^9$ -tetrahydrocannabinol concentrations indicate recent use in chronic cannabis users? *Addiction*, 104(12), 2041-2048. doi: 10.1111/j.1360-0443.2009.02705.x.

<sup>35</sup> See Oral Fluid FAQs document from the Society of Forensic Toxicologists at [http://www.soft-tox.org/files/2017\\_OF\\_FAQ.pdf](http://www.soft-tox.org/files/2017_OF_FAQ.pdf).

<sup>36</sup> Passive, non-smoking, participants showed some presence of THC in OF, but at much lower levels than observed for actively smoking participants and under extreme secondhand exposure. See Cone, E. J., Bigelow, G. E., Hermann, E. S., Mitchell, J. M., LoDico, C., Flegel, R., & Vandrey, R. (2015). Nonsmoker exposure to secondhand cannabis smoke. III. Oral fluid and blood drug concentrations and corresponding subjective effects. *Journal of Analytical Toxicology*, 39, 497-509. doi:10.1093/jat/bkv070.

indicated that these screening devices “have not been shown to be completely reliable and accurate” in its 2017 *Marijuana-Impaired Driving* report.<sup>37</sup> THC concentrations in OF fluid are known to have large variability among occasional and heavy users. Furthermore, the peak of THC concentration varies depending on the method of consumption, with higher concentrations and an initial spike in concentration when smoked as opposed to when ingested.

### Marijuana and Driving

The information in this section was excerpted from the study of impaired driving published pursuant to HB 17-1315, which analyzed data for 2016.<sup>38</sup> In 2016, cannabis screens were conducted for 3,946 of the 27,244 case filings (approximately 14.5%). Of these, about a quarter (26.9%, n=1,061) of test results indicated that no cannabinoids were detected.<sup>39</sup> However, the 26.9% figure may be an underestimate because there is not always a record that indicates a cannabinoid screen was performed, even if marijuana metabolites were found. For example, in cases when the 9-panel drug screen does not return any positive results, it is not possible to confirm that a drug toxicology screen existed. Efforts are underway to obtain additional data to avoid this issue in future analyses.

Among those cases with a positive cannabinoid screen, 73.1% (n=2,885) were further confirmed for cannabis metabolites,<sup>40</sup> establishing the presence of Delta-9 THC, the primary psychoactive ingredient in marijuana (Table 11). The presence of Delta-9 THC typically indicates recent use of cannabis. Quantitative values of Delta-9 THC ranged from 1.0 ng/mL to 73.0 ng/mL, with a median of 5.9 and a mean of 8.7 ng/mL.

Table 11 shows that, for those 2,885 cases that had a positive cannabinoid screen and a follow-up confirmation for cannabis metabolites, 13.7% of cannabis metabolite confirmations did not detect Delta-9 THC and 47.5% detected Delta-9 THC at 5.0 ng/mL or above.

<sup>37</sup> Compton, R. (2017, July). *Marijuana-Impaired Driving - A Report to Congress*. (DOT HS 812 440). Washington, DC: National Highway Traffic Safety Administration. See <https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812440-marijuana-impaired-driving-report-to-congress.pdf>.

<sup>38</sup> Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice. Available at [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

<sup>39</sup> This is an enzyme-linked immunosorbent assay (ELISA) screen that primarily targets THC-COOH.

<sup>40</sup> The confirmation test is done via liquid chromatography tandem mass spectrometry.

**Table 11. Delta-9 THC groups for those with THC confirmation tests (2016)**

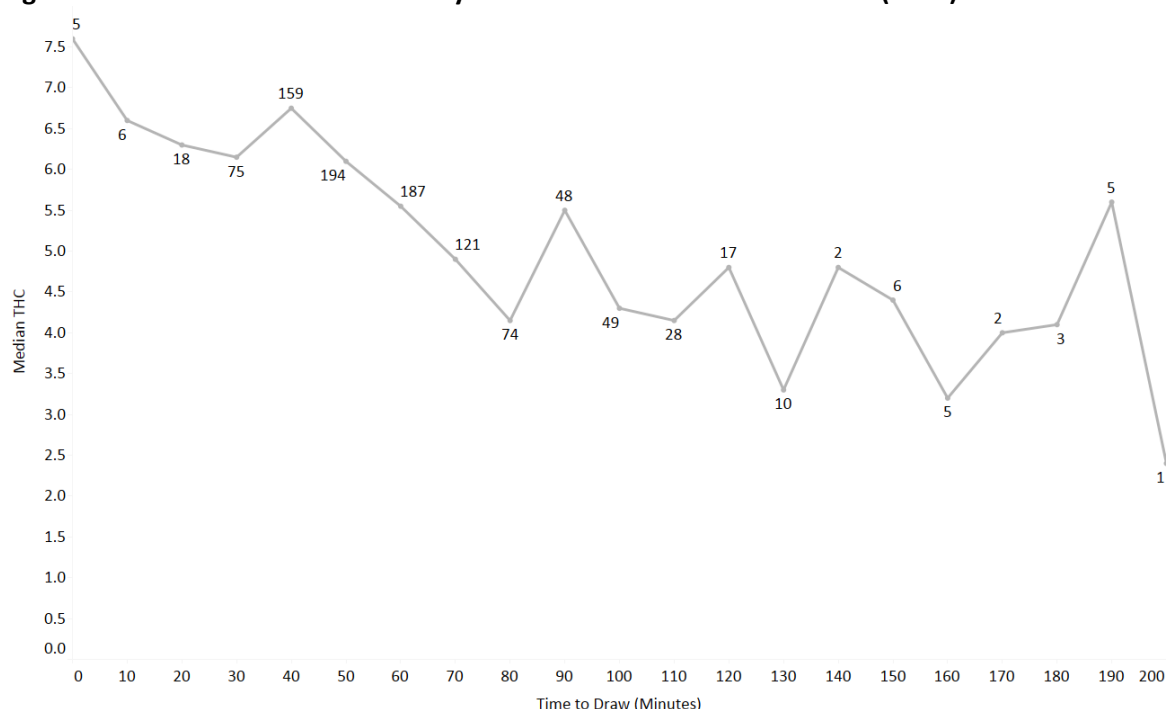
| THC level        | CBI   |        | ChemaTox |         | Total |        |
|------------------|-------|--------|----------|---------|-------|--------|
|                  | n     | %      | n        | %       | n     | %      |
| Not Detected     | 114   | 9.1%   | 282      | 17.3%   | 396   | 13.7%  |
| Present but <1.0 | 40    | 3.2%   | 50       | 3.1%    | 90    | 3.1%   |
| 1.0 - 4.9        | 425   | 33.9%  | 605      | 37.1%   | 1,030 | 35.7%  |
| 5.0+             | 674   | 53.8%  | 695      | 42.6%   | 1,369 | 47.5%  |
| Total            | 1,253 | 100.0% | 1,632    | 100.0%* | 2,885 | 100.0% |

\*Sum is greater than 100.0% due to rounding.

Source: State Judicial Department, Denver County Court, CBI, and ChemaTox, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice. [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

### Time to Marijuana Test

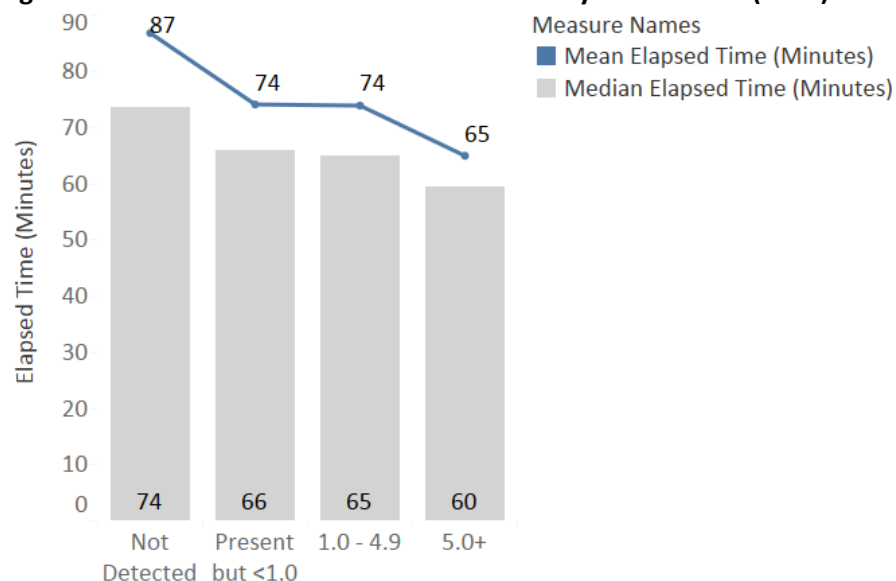
Time to blood draw by median Delta-9 THC values can be seen in Figure 7, including the number of cases at each time interval. Cases with an elapsed time of more than 200 minutes were excluded from the analysis. The majority of tests were completed at the 40- to 60-minute time intervals. Figure 7 reflects that Delta-9 THC levels were higher when the elapsed time to blood draw was shorter, reflecting the dissipation of Delta-9 THC levels in the blood.

**Figure 7. Median Delta-9 THC value by time to test and number of cases (2016)**

Source: State Judicial Department, Denver County Court, and ChemaTox, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice. [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

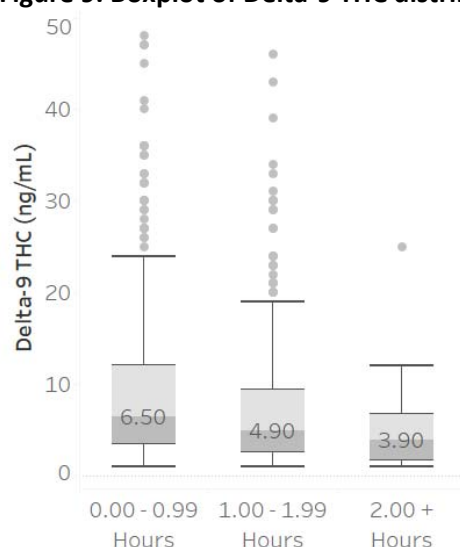
Figure 8 depicts the mean and median elapsed time for cases with a positive cannabinoid screen along with offense time, draw time, and positive values of Delta-9 THC. The median and mean of the elapsed time for each Delta-9 THC bin decreases as the THC values increase. This aligns with evidence in the research literature that suggests Delta-9 THC peaks early and then quickly dissipates, as also reflected in Figure 6. The same pattern is shown in Figure 9.

**Figure 8. Mean and median Delta-9 THC value by time-to-test (2016)**



Source: State Judicial Department, Denver County Court, and ChemaTox, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice. [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

**Figure 9. Boxplot of Delta-9 THC distribution and time-to-test categories (2016)**



Source: State Judicial Department, Denver County Court, and ChemaTox, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice. [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

### *Common Charges Associated with Marijuana*

A total of 5,773 final non-DUI offense charges were associated with the presence of Delta-9 THC in 2016.<sup>41</sup> Similar to those charges associated with alcohol, the top three charges were careless driving (n=547), failure to display proof of insurance (n=495), and lane usage violation (n=431). Over 400 charges (n=402) were associated with speeding and, of these, 52.7% (n=212) had only Delta-9 THC present (data not presented). These speeding charges are contrary to anecdotes that cannabis users drive slower to compensate for deficits in driving-related skills.

### *Alcohol and Marijuana in Combination*

Table 12 shows both BAC cases, cannabinoid screens, and Delta-9 THC cases as a proportion of all DUI case filings, including case filings with no toxicology test match. The latter filings are included in Table 12 to show the frequency that cases were NOT tested when BAC is 0.08+. Specifically, 89.3% (n=12,163) of cases with BAC at 0.08+ were not further screened for cannabinoids while 56.2% (n=273) of cases with BAC < 0.05 were screened for cannabinoids. The most case filings with both alcohol and THC tests fell in the categories with BAC values of 0.08+ and Delta-9 THC values between 1.0 and 4.9 ng/mL (n=431).

**Table 12. BAC group, cannabinoid screen, and THC group test outcome (2016)**

| BAC          | No Cannabinoid Screen | No Cannabinoid Detected | Delta-9 THC Confirmation Tests |                  |           |       | Sum    |
|--------------|-----------------------|-------------------------|--------------------------------|------------------|-----------|-------|--------|
|              |                       |                         | Not Detected                   | Present but <1.0 | 1.0 - 4.9 | 5.0+  |        |
| Not Detected | 49                    | 132                     | 40                             | 6                | 78        | 124   | 429    |
| < 0.05       | 273                   | 37                      | 18                             | 6                | 64        | 88    | 486    |
| 0.05 - 0.079 | 1,224                 | 42                      | 16                             | 4                | 64        | 39    | 1,389  |
| 0.08 +       | 12,163                | 482                     | 172                            | 37               | 431       | 330   | 13,620 |
| No BAC test  | 9,589                 | 363                     | 150                            | 37               | 393       | 788   | 11,320 |
| Total        | 23,298                | 1,061                   | 396                            | 90               | 1,030     | 1,369 | 27,244 |

Source: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at DPD, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice. [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

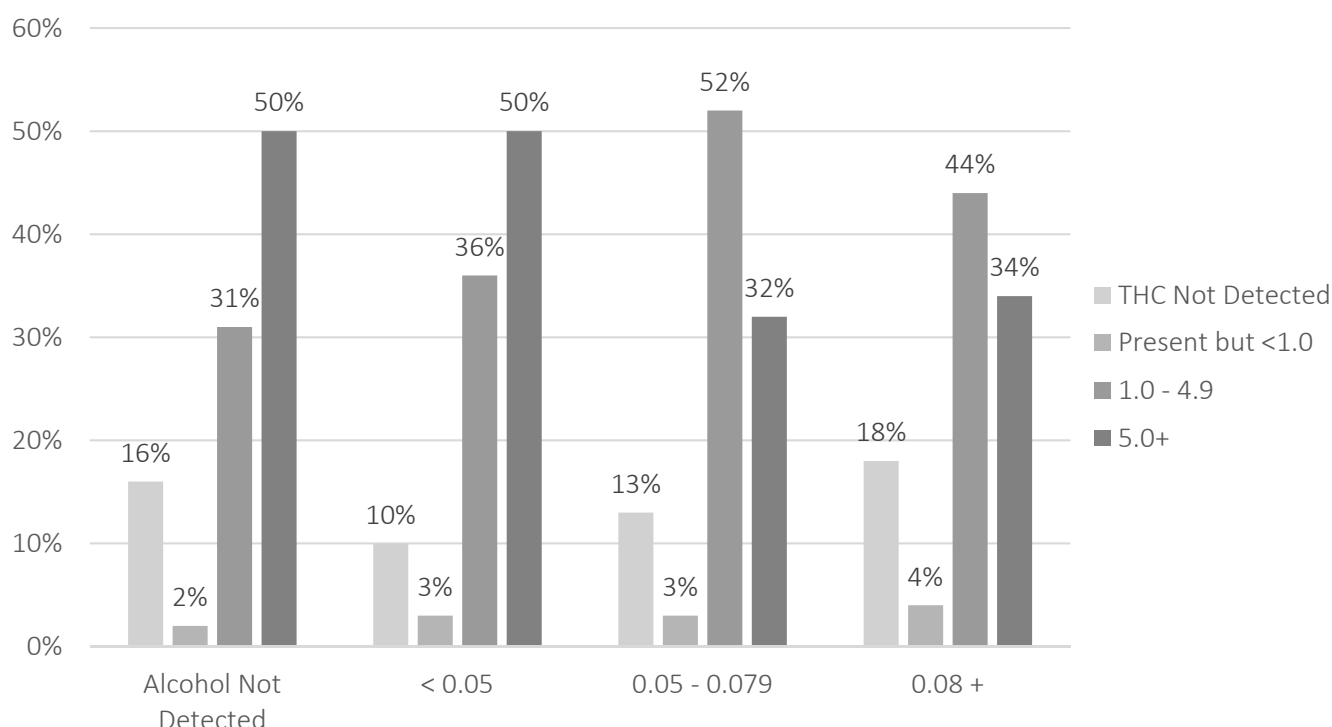
Figure 10 shows only cases that were tested for alcohol and had a THC confirmation (n=1,517). Approximately half (52.0%, n=64) of those with a BAC level between 0.05 and 0.079 had Delta-9 THC values ranging from 1.0 to 4.9 ng/mL, while less than half (44.0%, n=431) with a BAC that was greater than or equal to 0.08 were in that same THC group. Of those with no alcohol detected and a THC confirmation, about 50% (n=124) had 5.0+ ng/mL of Delta-9 THC blood level. The same was true for those with alcohol detected at less than 0.05 (50.0%, n=88).

Overall, the majority (70.0%, n=1,063) of defendants who were tested for both alcohol and marijuana tested positive for both substances. It is important to note again that these figures likely underrepresent the presence of marijuana and other drugs because, during a traffic stop, officers may confirm the

<sup>41</sup> See Bui, B. & Reed, J. (2018), *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*, Appendix M: Top 20 Common Final Charges Associated with Delta-9 THC Presence. Available at [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf).

presence of alcohol above the *per se* limit and stop further testing at that point.

**Figure 10. BAC group by THC group bar graph (2016)**



Source: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at DPD, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice.  
[http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

### *Polydrug use*

In this analysis, "drugs" are presented in three categories: alcohol, THC, and "other drug," which includes illicit drugs and prescription drugs. Of the 17,824 cases where toxicology tests were conducted for alcohol as well as other drugs, the vast majority (86.4%, n=15,395) of suspects were found to have one drug present, while 12.7% (n=2,264) cases had more than one drug present (see Table 13). A very small percentage (0.9%, n=165) of toxicology results showed no drug detected -- i.e., no alcohol, THC or other drugs. Polydrug use is the detection of any amount of two or more drugs in a toxicology test. Again, please note that polydrug use is likely underrepresented because, when alcohol is obviously present, many officers do not request further drug testing due to the cost and time associated with additional testing.

Keeping in mind that this may be an underestimate, nevertheless, 12.7% (n=2,264) of cases with toxicology findings in 2016 had more than one drug present (see Table 13). Other drugs included illicit drugs and prescription drugs. A very small percentage (0.9%, n=165) of toxicology results showed no drug detected, while 86.4% (n=15,395) of suspects were found to have one drug present.



Alcohol was the primary substance detected for those with one drug present, followed by marijuana and, finally, other drugs. Of those cases with only one drug present, 91.3% of cases had alcohol only present compared to 6.2% of cases with only marijuana present. However, note that not all alcohol tests had a drug screen and not all drugs are included in a drug screen.

When further examining the 12.7% of cases with polydrug use, 36.6% were a combination of alcohol and marijuana and 20.7% involved marijuana and an additional drug. Another 10.3% of polydrug cases involved alcohol, marijuana, and at least one other drug. Almost half (46.9%) of all polydrug records had both alcohol and Delta-9 THC present. Additionally, 15.5% of the 2,264 polydrug cases had no alcohol or marijuana use reported (see Table 13).

Again, these results should be interpreted cautiously because of the practice of limited drug testing when the presence of alcohol is obvious to the arresting officer.

**Table 13. Presence of any drug and polydrug use (2016)**

| Drug Count | Drug(s) Detected            | n      | % Subtotal | % Total |
|------------|-----------------------------|--------|------------|---------|
| No Drug    | None Detected               | 165    | 100.0%     | 0.9%    |
| One Drug   | Alcohol Only                | 14,052 | 91.3%      | 78.8%   |
|            | THC Only                    | 957    | 6.2%       | 5.4%    |
|            | Single Other Drug           | 386    | 2.5%       | 2.2%    |
|            | Subtotal                    | 15,395 | 100.0%     |         |
| Polydrug   | Alcohol and THC             | 829    | 36.6%      | 4.7%    |
|            | Alcohol and Other           | 380    | 16.8%      | 2.1%    |
|            | THC and Other               | 469    | 20.7%      | 2.6%    |
|            | Alcohol, THC, and Other(s)  | 234    | 10.3%      | 1.3%    |
|            | Polydrug Not Alcohol or THC | 352    | 15.5%      | 2.0%    |
|            | Subtotal                    | 2,264  | 100.0%     |         |
| Total      |                             |        | 17,824     | 100.0%  |

Source: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at DPD, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice. At [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

### *Marijuana and DUI Dispositions*

Table 14 shows the dispositions of DUI charges with a Delta-9 THC confirmation test (n=2,676). As with the previous table, this information includes all other charges that were amended, but does not show the specific disposition of final charges that were not DUI charges. The highest proportion of guilty dispositions occurred for those in the '5.0+ ng' (74.7%, n=947) category.

Overall, more than half of all cases in each THC category had a disposition of guilty. However, three out of the four THC categories had dismissal rates of around 20.0% while one, the '5.0+ ng' group, had a dismissal rate of only 9.7%.

**Table 14. Disposition of DUI charges by THC group (2016)**

| Disposition           | Not Detected |        | Present but <1.0ng |         | 1.0 - 4.9ng |         | 5.0+ng |         |
|-----------------------|--------------|--------|--------------------|---------|-------------|---------|--------|---------|
|                       | n            | %      | n                  | %       | n           | %       | n      | %       |
| Guilty                | 266          | 73.5%  | 57                 | 65.5%   | 641         | 66.8%   | 947    | 74.7%   |
| Deferred              | 8            | 2.2%   | 7                  | 8.0%    | 65          | 6.8%    | 120    | 9.5%    |
| Deferred Dismissed    | 3            | 0.8%   | 1                  | 1.1%    | 29          | 3.0%    | 42     | 3.3%    |
| Diversion             |              |        |                    |         |             |         | 2      | 0.2%    |
| Dismissed             | 79           | 21.8%  | 19                 | 21.8%   | 196         | 20.4%   | 123    | 9.7%    |
| Not Guilty            |              |        |                    |         |             |         | 11     | 0.9%    |
| Non-DUI Disposition** | 6            | 1.7%   | 3                  | 3.4%    | 28          | 2.9%    | 23     | 1.8%    |
| Total                 | 362          | 100.0% | 87                 | 100.0%* | 959         | 100.0%* | 1268   | 100.0%* |

\*Sum is greater than 100.0% due to rounding.

\*\*Aggregated dispositions for final charges that were not DUIs.

Source: State Judicial Department, Denver County Court, CBI, and ChemaTox, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice. [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

### *Alcohol, Marijuana, and DUI Court Dispositions*

Median BAC and Delta-9 THC values by court disposition can be seen in Table 15. A median BAC of 0.15 and a median THC of 5.9 ng/ML were found across dispositions. Guilty dispositions had medians of 0.16 and 6.3 for BAC and THC, respectively. Dispositions of dismissed cases had medians of 0.08 and 3.9 for BAC and THC, respectively.

**Table 15. Median BAC and median Delta-9 THC by disposition (2016)**

| Disposition            | BAC    |             | Delta-9 THC |              |
|------------------------|--------|-------------|-------------|--------------|
|                        | Median | Case Count* | Median      | Case Count** |
| Guilty                 | 0.16   | 12,254      | 6.3         | 1,583        |
| Deferred               | 0.10   | 701         | 7.2         | 185          |
| Deferred Dismissed     | 0.10   | 522         | 5.5         | 71           |
| Diversion              | 0.13   | 22          | 15.5        | 2            |
| Dismissed              | 0.08   | 972         | 3.9         | 318          |
| Not Guilty             | 0.17   | 40          | 9.7         | 11           |
| Not Proven             | 0.12   | 2           |             |              |
| Non-DUI Disposition*** | 0.07   | 166         | 4.7         | 51           |
| Overall                | 0.15   | 14,679      | 5.9         | 2,221        |

\*Includes those with dispositions and a quantitative value for BAC.

\*\* Includes those with dispositions and a quantitative value for Delta-9 THC.

\*\*\*Aggregated dispositions for final charges that were not DUIs.

Source: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at DPD, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice. [http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

Dispositions of 'Guilty', 'Deferred', and 'Deferred Dismissed' were combined to find overall conviction rates for the various categories of BAC and Delta-9 THC presence (Table 16). Final non-DUI charges were included in the analysis, but a guilty disposition for a non-DUI charge was not counted as a DUI conviction. This analysis involved of 1,431 case filings with results for both alcohol and Delta-9 THC. Only 38 of these toxicology results indicated no alcohol or marijuana was present. A little over a quarter of all cases that had dispositions and tests for both alcohol and Delta-9 THC fell in the 0.08+ BAC Group and in the 1.0 – 4.9 THC Group (28.2%, n=403).

Generally, in 2016, conviction rates were the highest for BAC values of 0.08+ (93.2% to 95.9%). This was followed by conviction rates for Delta-9 THC values of 5.0+ ng/mL with rates ranging from 84.3% to 95.9%. These findings suggest that convictions are more common at the *per se* level for alcohol and at the permissible inference level for Delta-9 THC.

**Table 16. BAC group and Delta-9 THC group conviction rate of final DUI charges (2016)**

| BAC level    | THC level    |                 |                  |                 |             |                 |             |                 | Grand Total |
|--------------|--------------|-----------------|------------------|-----------------|-------------|-----------------|-------------|-----------------|-------------|
|              | Not Detected |                 | Present but <1.0 |                 | 1.0 - 4.9   |                 | 5.0+        |                 |             |
|              | Total Cases  | Conviction Rate | Total Cases      | Conviction Rate | Total Cases | Conviction Rate | Total Cases | Conviction Rate |             |
| Not Detected | 38           | 63.2%*          | 6                | 50.0%           | 70          | 57.1%           | 115         | 84.3%           | 229         |
| < 0.05       | 16           | 50.0%           | 5                | 20.0%           | 63          | 60.3%           | 85          | 88.2%           | 169         |
| 0.05 - 0.079 | 14           | 92.9%           | 4                | 75.0%           | 60          | 81.7%           | 34          | 85.3%           | 112         |
| 0.08 +       | 162          | 93.2%           | 36               | 94.4%           | 403         | 94.8%           | 320         | 95.9%           | 921         |
| Grand Total  | 230          |                 | 51               |                 | 596         |                 | 554         |                 | 1431        |

\*Final non-DUI charges were included in the analysis.

Source: State Judicial Department, Denver County Court, CBI, CDPHE, ChemaTox, and Denver Crime Lab at DPD, analyzed by the Division of Criminal Justice. Excerpted from: Bui, B. & Reed, J. (2018). *Driving under the influence of drugs and alcohol: A report pursuant to House Bill 17-1315*. Lakewood, CO: Colorado Division of Criminal Justice.

[http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI\\_HB17-1315.pdf](http://cdpsdocs.state.co.us/ors/docs/reports/2018-DUI_HB17-1315.pdf)

### Toxicology

A total of ten labs are currently certified by the CDPHE to perform toxicology testing for DUI/DUID purposes. Only two of the 10 labs routinely perform blood drug analysis for DUI/DUID where a fatality has not occurred; these are the Colorado Bureau of Investigation and ChemaTox Laboratory, Inc.

ChemaTox is a private lab based in Boulder that performs screenings for more than 160 law enforcement agencies. In 2016, Chematox performed 3,208 toxicology screenings, and in the first eight months of 2017 it performed 2,399 (Table 17). Of those 5,607 during the two-year period, 62% tested positive on the initial cannabinoid screen for metabolites of THC, which can be present for weeks after consumption. Of those that tested positive on the initial screen, about 80% tested positive for psychoactive Delta-9 THC at 1ng/mL or greater.

**Table 17. Toxicology screening for cannabinoids and Delta-9 THC by ChemaTox Lab, 2013–2017**

| Year  | Total screens | % positive cannabinoid screens | % Delta-9 THC 1ng/mL or higher |
|-------|---------------|--------------------------------|--------------------------------|
| 2013  | 4,333         | 58%                            | 63%                            |
| 2014  | 4,371         | 65%                            | 67%                            |
| 2015  | 3,798         | 63%                            | 79%                            |
| 2016  | 3,208         | 63%                            | 79%                            |
| 2017* | 2,399         | 60%                            | 81%                            |

\* January-August 2017.

Source: Sara Urfer, Chematox Laboratory.

### *Colorado State Patrol*

The Colorado State Patrol (CSP) accounted for about 20% of all arrests for driving under the influence in Colorado in 2016.<sup>42</sup> CSP began collecting information on the perceived impairing substance(s) of drivers at the beginning of 2014. CSP has the most drug recognition experts of any law enforcement agency in the state, with 65 (9% of all sworn personnel) as of June 2018. These factors combine to make CSP a good agency to use as a benchmark for issues related to impaired driving in Colorado.

According to the data collected by the State Patrol, the total number of reported DUIs dropped 15% between 2014 (5,705) and 2017 (4,849) (Table 18). Summonses in which alcohol was the only substance decreased by 949 (-20%). The number of summonses in which marijuana or marijuana-in-combination was recorded increased by 35 (5%) between 2014 and 2017. The prevalence of marijuana or marijuana-in-combination (marijuana only, marijuana and alcohol, and marijuana and other drugs) as the perceived impairing substance increased from 12% of all DUIs in 2014 to 15% in 2017.

**Table 18. Driving under the influence citations issued by Colorado State Patrol, by perceived impairing substance, 2014–2017**

|                           | 2014  |      | 2015  |      | 2016  |      | 2017  |      |
|---------------------------|-------|------|-------|------|-------|------|-------|------|
|                           | N     | %    | N     | %    | N     | %    | N     | %    |
| Total DUI citations       | 5,705 | 100% | 4,898 | 100% | 4,605 | 100% | 4,849 | 100% |
| Alcohol only              | 4,820 | 84%  | 4,042 | 83%  | 3,610 | 78%  | 3,871 | 80%  |
| Marijuana only            | 359   | 6%   | 335   | 7%   | 388   | 8%   | 335   | 7%   |
| Marijuana & alcohol       | 213   | 4%   | 210   | 4%   | 239   | 5%   | 216   | 4%   |
| Marijuana & other drugs   | 112   | 2%   | 107   | 2%   | 153   | 3%   | 168   | 3%   |
| Other drugs               | 201   | 4%   | 204   | 4%   | 245   | 5%   | 259   | 5%   |
| Total marijuana citations | 684   | 12%  | 652   | 13%  | 780   | 17%  | 719   | 15%  |

Source: Data provided by the Colorado State Patrol.

Note: Substance is based on trained trooper perception and may not reflect results from toxicology tests.

<sup>42</sup> Colorado Bureau of Investigation (2017). *Crime in Colorado, 2016*.

### *Local Police Departments*

The Denver Police Department began collecting data on DUID in 2013 (Table 19). The number of cases of driving under the influence of marijuana or marijuana-in-combination was small but increased from 33 in 2013 to 63 in 2017. In 2013, these accounted for 1.1% of all DUI citations in Denver and in 2017 these accounted for 3.3% of all DUI citations.

**Table 19. Driving under the influence citations issued by Denver Police Department, by impairment reason, 2013–2017**

|             | 2013  | 2014  | 2015  | 2016  | 2017  |
|-------------|-------|-------|-------|-------|-------|
| DUI Total   | 2,896 | 2,619 | 2,532 | 2,262 | 1,895 |
| DUI Drugs   | 84    | 129   | 148   | 122   | 119   |
| Marijuana   | 33    | 66    | 73    | 63    | 63    |
| Other drugs | 51    | 63    | 75    | 59    | 56    |

Note: Marijuana includes marijuana alone or in combination with alcohol or other drugs. Other includes other drugs alone or in combination with alcohol.

Source: Denver Office of Excise and License (2018).

The Aurora Police Department also provided data regarding driving under the influence of marijuana. In 2017, 9.2% of DUI citations involved a driver who tested positive for Delta-9 THC (Table 20).

**Table 20. Driving under the influence citations issued by Aurora Police Department, by marijuana involvement, 2014–2017**

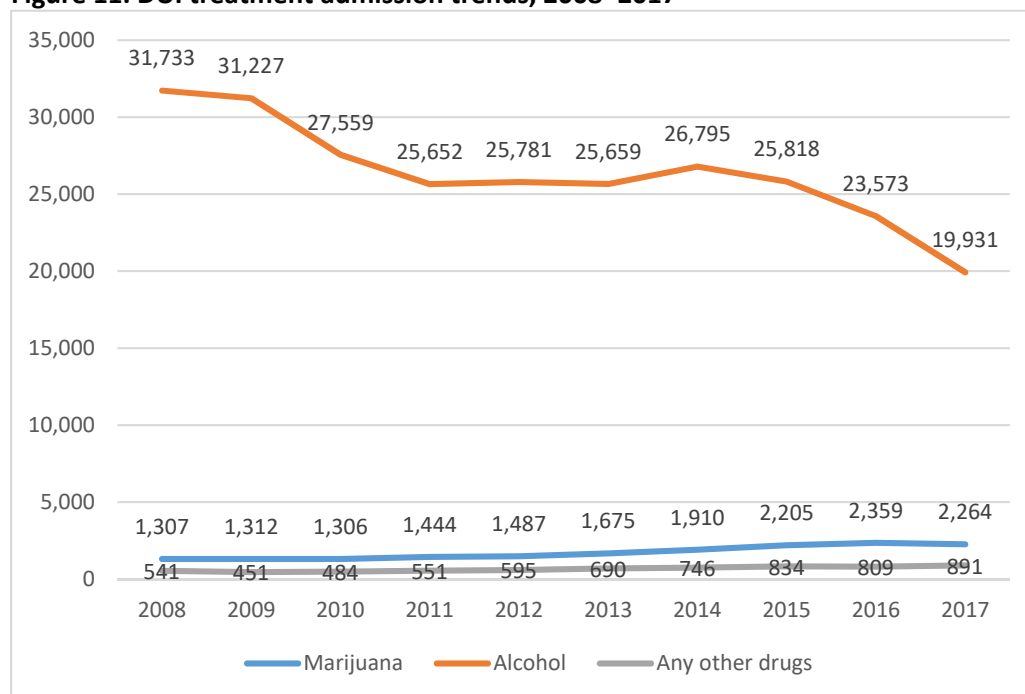
|                     | 2014  | 2015  | 2016  | 2017  |
|---------------------|-------|-------|-------|-------|
| DUI Total           | 1,995 | 1,684 | 1,374 | 1,386 |
| Marijuana confirmed | 60    | 72    | 178   | 128   |

Note: "Marijuana confirmed" indicates a positive toxicology test for Delta-9 THC.

Source: Aurora Police Department (2018).

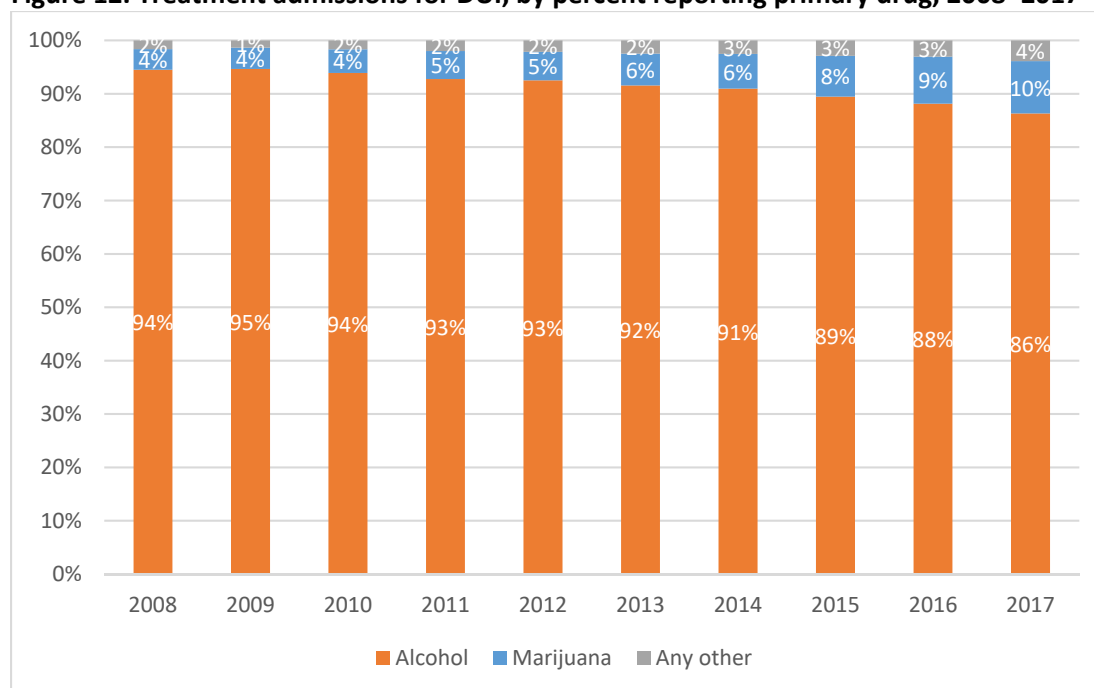
### *Mandated Treatment for Driving Under the Influence*

Drivers convicted of driving under the influence in Colorado are mandated to attend approved treatment classes before their driver's license privilege can be reinstated. When they are admitted into treatment, the primary drug of abuse is captured in the Drug/Alcohol Coordinated Data System (DACODS). Admissions for DUI treatment where alcohol was reported as the primary drug dropped 23% from 2002 to 2017 (Figure 11). In that same period, admissions in which marijuana was the primary drug increased by 52%.

**Figure 11. DUI treatment admission trends, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System, analyzed by the Division of Criminal Justice.

The proportion of individuals participating in DUI treatment with alcohol as the primary drug declined from 93% in 2012 to 86% in 2017. During that same time, clients reporting marijuana as their primary drug increased from 5% to 10% of DUI admissions (Figure 12).

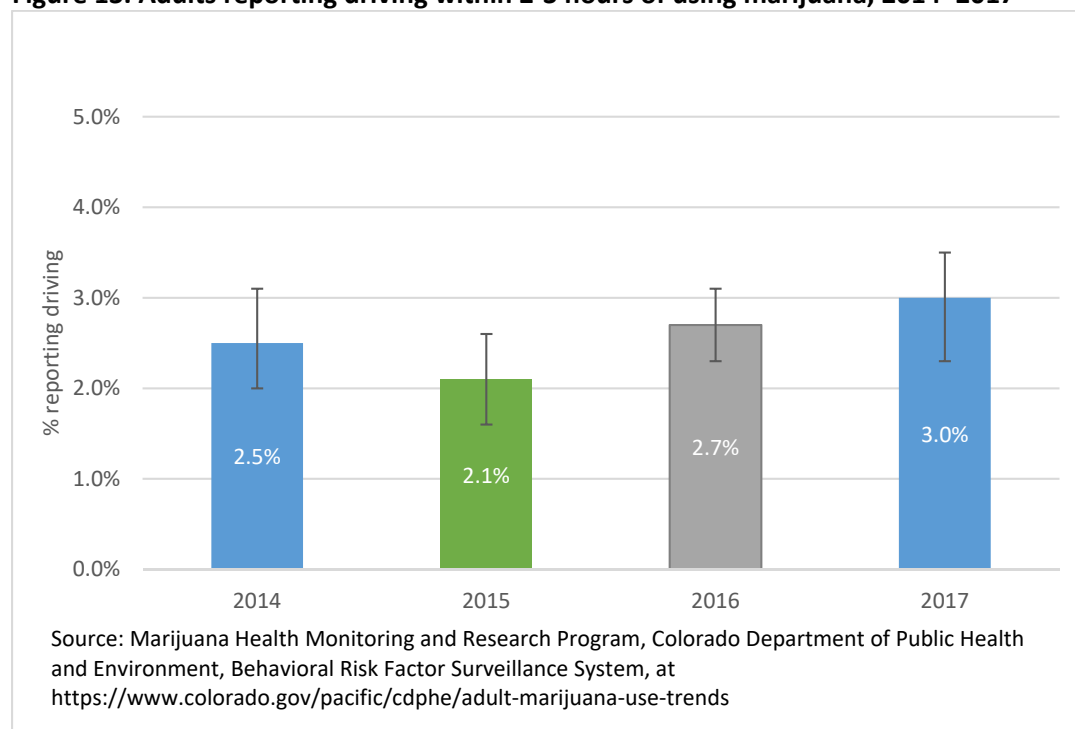
**Figure 12. Treatment admissions for DUI, by percent reporting primary drug, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System, analyzed by the Division of Criminal Justice.

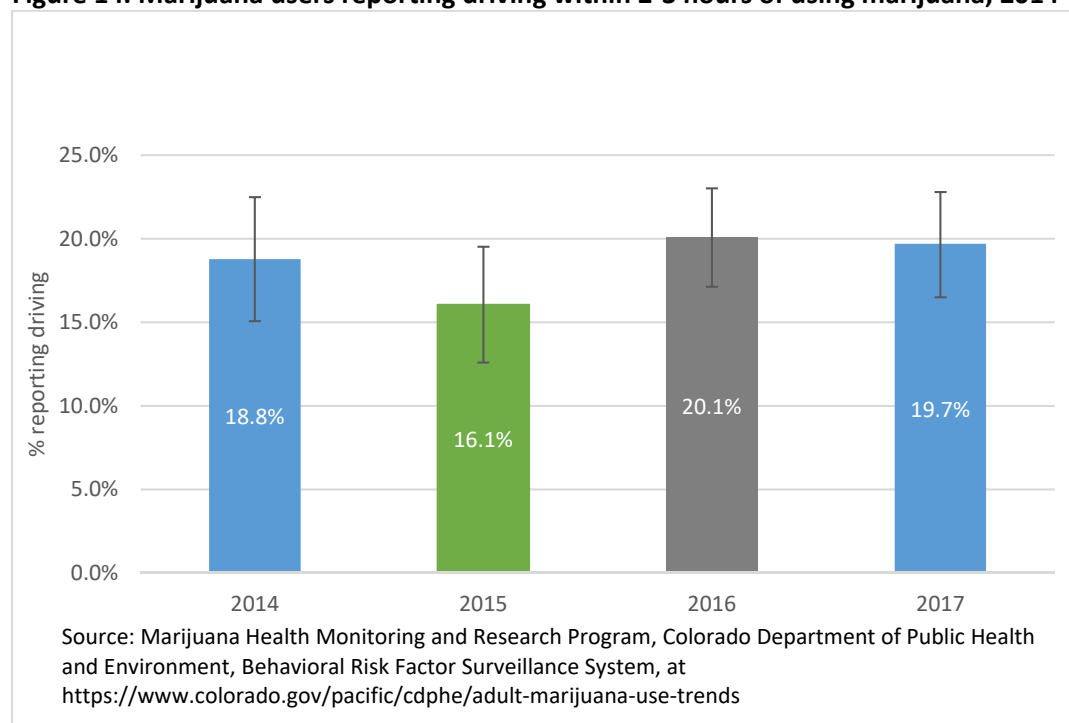
### *Reported Driving Behavior*

Driving within two- to three-hours of marijuana use is a behavior asked about on the Behavioral Risk Factor Surveillance System survey.<sup>43</sup> Between 2% and 3% of adults reported driving within two- to three-hours of using marijuana, and there was no statistically significant change in this behavior between 2014 and 2017 (Figure 13). Figure 14 presents the results for those who reported current use of marijuana, with between 16% and 20% of adult users reporting driving within two- to three-hours of using marijuana. Again, there was no change in this finding over time.

**Figure 13. Adults reporting driving within 2-3 hours of using marijuana, 2014–2017**



<sup>43</sup> For more information on this survey, please see Section Three: Impact on Public Health and Behavioral Health Services.

**Figure 14. Marijuana users reporting driving within 2-3 hours of using marijuana, 2014–2017**

### *Fatality Analysis Reporting System*

The Fatality Analysis Reporting System (FARS) is a program administered federally by the National Highway Traffic Safety Administration and statewide by the Colorado Department of Transportation (CDOT). FARS contains data derived from a census of fatal traffic crashes within the 50 states, the District of Columbia, and Puerto Rico. To be included in FARS, a crash must involve a motor vehicle traveling on a traffic way customarily open to the public and must result in the death of at least one person (occupant of a vehicle or a non-motorist) within 30 days of the crash.

The FARS database includes 143 data elements that characterize the crash, the vehicles, and the people involved.<sup>44</sup> FARS includes information from toxicology testing of drivers and others involved in the crash when available. For the period of 2013-2017, the percentage of drivers tested for drugs remained consistent, at between 45% and 47%, according to information provided by CDOT. The status of the driver has an impact on testing prevalence, with 88% of deceased drivers tested compared to 18% of living drivers in 2017. This limits conclusions that can be drawn about the prevalence of DUI in Colorado.

Additionally, in 2013, the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) began working with CDOT to enhance the collection of toxicology data. In 2012, 9% of drivers had a drug test

<sup>44</sup> National Highway Traffic Safety Administration (2014), Fatality Analysis Reporting System, at <http://www-nrd.nhtsa.dot.gov/Pubs/811992.pdf>.



conducted, but the results were not reported to CDOT. The partnership between CDOT and RMHIDTA, where additional contact was made with coroners or law enforcement to obtain results, has virtually eliminated this problem of missing data. This improvement in the completeness of Colorado's FARS data, however, makes comparisons to years prior to 2013 difficult.

The type of testing reported also precludes making any definitive statements about driver impairment. The primary compound in cannabis that produces psychoactive effects is Delta-9-THC, which begins to dissipate in blood rapidly after consumption. There are other active metabolites of THC (11-OH-THC) which dissipate quickly and inactive metabolites (THC-COOH) that are detectable in blood for longer periods of time.<sup>45</sup> It is not always possible to tell in the FARS data if the test detected psychoactive Delta-9-THC or the other metabolites of THC.

Information regarding the number of fatalities, drivers, and crashes, and the prevalence of drug and alcohol testing, is presented in Table 21. A little less than half of drivers (45%-47%) involved in fatal crashes were tested for alcohol and/or drugs. However, in about two-thirds of crashes there was at least one driver tested.

The number and percent of fatalities where the driver was impaired at a BAC  $\geq$  .08 is presented in Table 22. In 2017, a little over one-quarter (26%) of fatalities occurred when a driver was legally impaired by alcohol. The percent of fatalities with drivers who tested positive for Delta-9 THC at the 5 ng/mL level was 8% in 2017, down from 13% in 2016 (Table 23). It should be noted that the improved reporting for the specific level of Delta-9 THC occurred in 2016, which makes comparison to prior years invalid.

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<sup>45</sup> Huestis, M., Henningfield, J., and Cone, E. (1992). Blood cannabinoids I: Absorption of THC and formation of 11-OH-THC and THC-COOH during and after marijuana smoking, *Journal of analytical toxicology*, 16, 276-282. Available at [https://www.researchgate.net/publication/21817925\\_Blood\\_cannabinoids\\_I\\_absorption\\_of\\_THC\\_and\\_formation\\_of\\_11-OH-THC\\_and\\_THC-COOH\\_during\\_and\\_after\\_marijuana\\_smoking](https://www.researchgate.net/publication/21817925_Blood_cannabinoids_I_absorption_of_THC_and_formation_of_11-OH-THC_and_THC-COOH_during_and_after_marijuana_smoking)

**Table 21. Colorado roadway fatalities' testing summary, 2013–2017**

|                                                      | 2013       | 2014       | 2015       | 2016       | 2017       |
|------------------------------------------------------|------------|------------|------------|------------|------------|
| <b>Fatalities</b>                                    | <b>481</b> | <b>488</b> | <b>546</b> | <b>608</b> | <b>648</b> |
| Fatalities with at least one driver drug tested      | 313        | 318        | 369        | 403        | 439        |
| % fatalities with at least one driver drug tested    | 65%        | 65%        | 68%        | 66%        | 68%        |
| Fatalities with at least one driver alcohol tested   | 345        | 338        | 391        | 414        | 448        |
| % fatalities with at least one driver alcohol tested | 72%        | 69%        | 72%        | 68%        | 69%        |
| <b>Drivers</b>                                       | <b>627</b> | <b>684</b> | <b>787</b> | <b>880</b> | <b>940</b> |
| Drivers drug tested                                  | 294        | 310        | 361        | 386        | 439        |
| % drivers drug tested                                | 47%        | 45%        | 46%        | 45%        | 47%        |
| Drivers alcohol tested                               | 337        | 339        | 397        | 408        | 455        |
| % drivers alcohol tested                             | 54%        | 50%        | 50%        | 46%        | 48%        |
| <b>Crashes</b>                                       | <b>431</b> | <b>451</b> | <b>506</b> | <b>558</b> | <b>600</b> |
| Crashes with at least one driver drug tested         | 274        | 286        | 334        | 357        | 396        |
| % crashes with at least one driver drug tested       | 64%        | 63%        | 66%        | 64%        | 66%        |
| Crashes with at least one driver alcohol tested      | 304        | 305        | 356        | 369        | 405        |
| % crashes with at least one driver alcohol tested    | 71%        | 68%        | 70%        | 67%        | 68%        |

Source: Colorado Department of Transportation, Data Intelligence Group, Toxicology Data (2018).

Note: There is overlap in drivers tested for both alcohol and drugs.

**Table 22. Colorado fatalities with drivers BAC ≥ .08, 2013–2017**

|                               | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------------------|------|------|------|------|------|
| Total fatalities              | 481  | 488  | 546  | 608  | 648  |
| N fatalities driver BAC ≥ .08 | 142  | 160  | 151  | 161  | 177  |
| % fatalities driver BAC ≥ .08 | 30%  | 33%  | 28%  | 27%  | 27%  |

Source: National Highway Traffic Safety Administration, *Traffic Safety Facts: State Alcohol-Impaired Driving Estimates*.

Notes: a) NHTSA statistically imputes BAC results for drivers with missing tests, which allows them to base percentages on all fatalities rather than just those with a reported test.

**Table 23. Colorado fatalities with driver's Delta-9 THC level ≥ 5ng/ml, 2016–2017**

|                                                 | 2016 | 2017 |
|-------------------------------------------------|------|------|
| Fatalities with at least one driver drug tested | 403  | 439  |
| N fatalities driver Delta-9 THC level ≥ 5ng/ml  | 52   | 35   |
| % fatalities driver Delta-9 THC level ≥ 5ng/ml  | 13%  | 8%   |

Source: Colorado Department of Transportation, Data Intelligence Group, Toxicology Data (2018).

Notes: A) Percentages are based only on fatal crashes where at least one driver in the crash was drug tested; B) Delta-9 THC level established in C.R.S. 42-4-1301 (6)(a) (IV) states "If at such time the driver's blood contained five nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood, as shown by analysis of the defendant's blood, such fact gives rise to a permissible inference that the defendant was under the influence of one or more drugs."

Reporting by CDOT regarding whether a driver in a fatal crash tested positive for a cannabinoid has been consistent since 2013. It is important to remember that presence of a cannabinoid does not indicate impairment from marijuana. The number of drivers testing positive for cannabinoid-only or cannabinoid-in-combination increased from 47 in 2013 to 133 in 2017 (Figure 15). The number of drivers in fatal crashes testing positive for cannabinoid-only increased from 18 to 48 during that same period. The percentage of drug-tested drivers who tested positive for some cannabinoid (alone or in combination with some other drug) increased from 16% in 2013 to 30% in 2017. However, only about half of all drivers involved in fatal crashes were tested for drugs.

The number of fatalities in which the driver tested positive for cannabinoid-only or cannabinoid-in-combination increased from 55 in 2013 to 139 in 2017 (Figure 16). The number of fatalities in which the driver tested positive for cannabinoid-only increased from 23 in 2013 to 46 in 2017. The percentage of all fatalities with a cannabinoid positive (alone or in combination) driver increased from 18% in 2013 to 32% in 2017. Again, it should be noted that only about half of all drivers were tested for drugs.

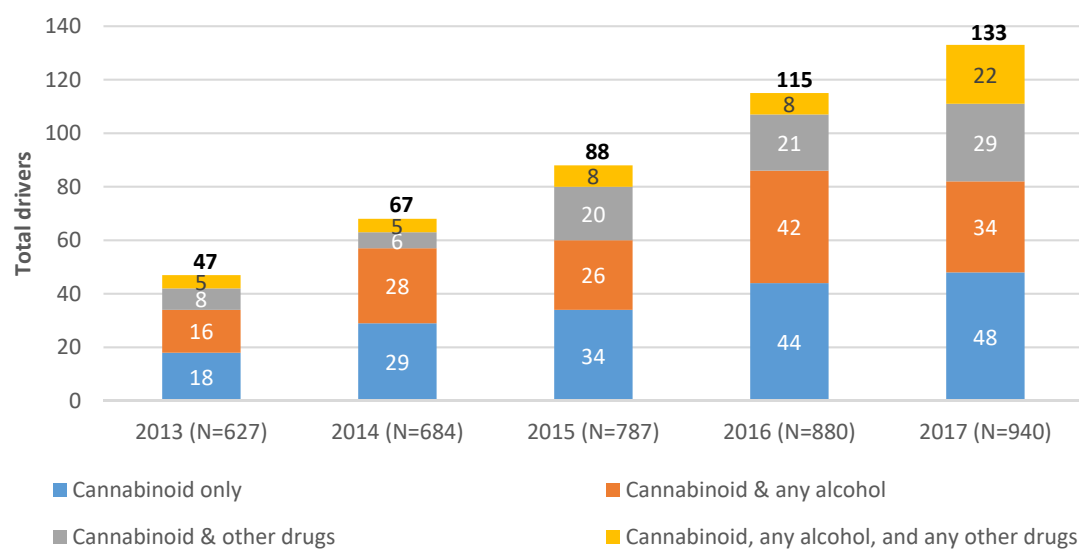
In 2016, CDOT improved data collection on the specific metabolites present in the blood of drivers, especially Delta-9 THC. Figure 17 presents the 2016 and 2017 data on drivers with Delta-9 THC detected in their blood. The number of drivers with *any* detectable Delta-9 THC increased from 71 (18.4% of tested drivers) in 2016 to 88 (20.0% of tested drivers) in 2017. However, when the drivers who test positive at the 5 ng/mL level were examined separately, there were 45 (11.7% of tested drivers) who tested positive at the 5 ng/mL<sup>46</sup> level in 2016 and 33 (7.5% of tested drivers) in 2017.

The number of fatalities where a driver tested positive for *any* Delta-9 THC increased from 77 in 2016 to 97 in 2017 (Figure 18). Fatalities where the driver tested positive at or above the 5 ng/mL level decreased from 52 in 2016 to 35 in 2017.

It should be noted that a recent study found that the annual changes in overall fatality rate for Colorado was similar to a group of control states pre- and post-legalization.<sup>47</sup>

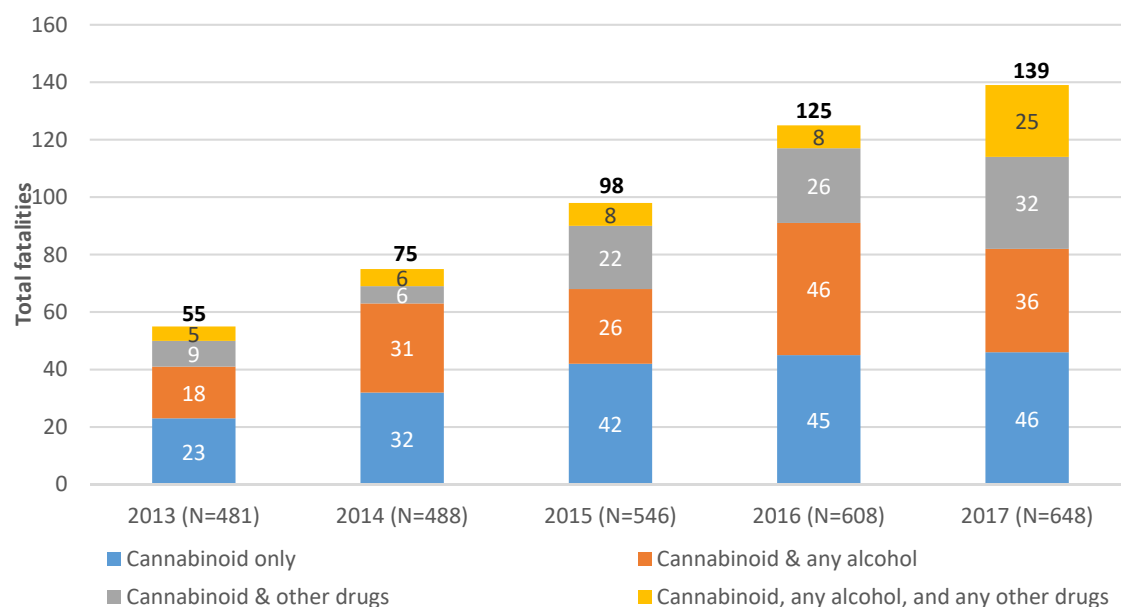
<sup>46</sup> Delta-9 THC level established in C.R.S. 42-4-1301 (6)(a) (IV) states "If at such time the driver's blood contained five nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood, as shown by analysis of the defendant's blood, such fact gives rise to a permissible inference that the defendant was under the influence of one or more drugs."

<sup>47</sup> Aydelotte, J. et al. (2017). Crash fatality rates after recreational marijuana legalization in Washington and Colorado. *American Journal of Public Health*, 107(8), 1329-1331.

**Figure 15. Colorado drivers in fatal crashes involving cannabinoids, 2013–2017**

Source: Colorado Department of Transportation, Data Intelligence Group, Toxicology Data (2018).

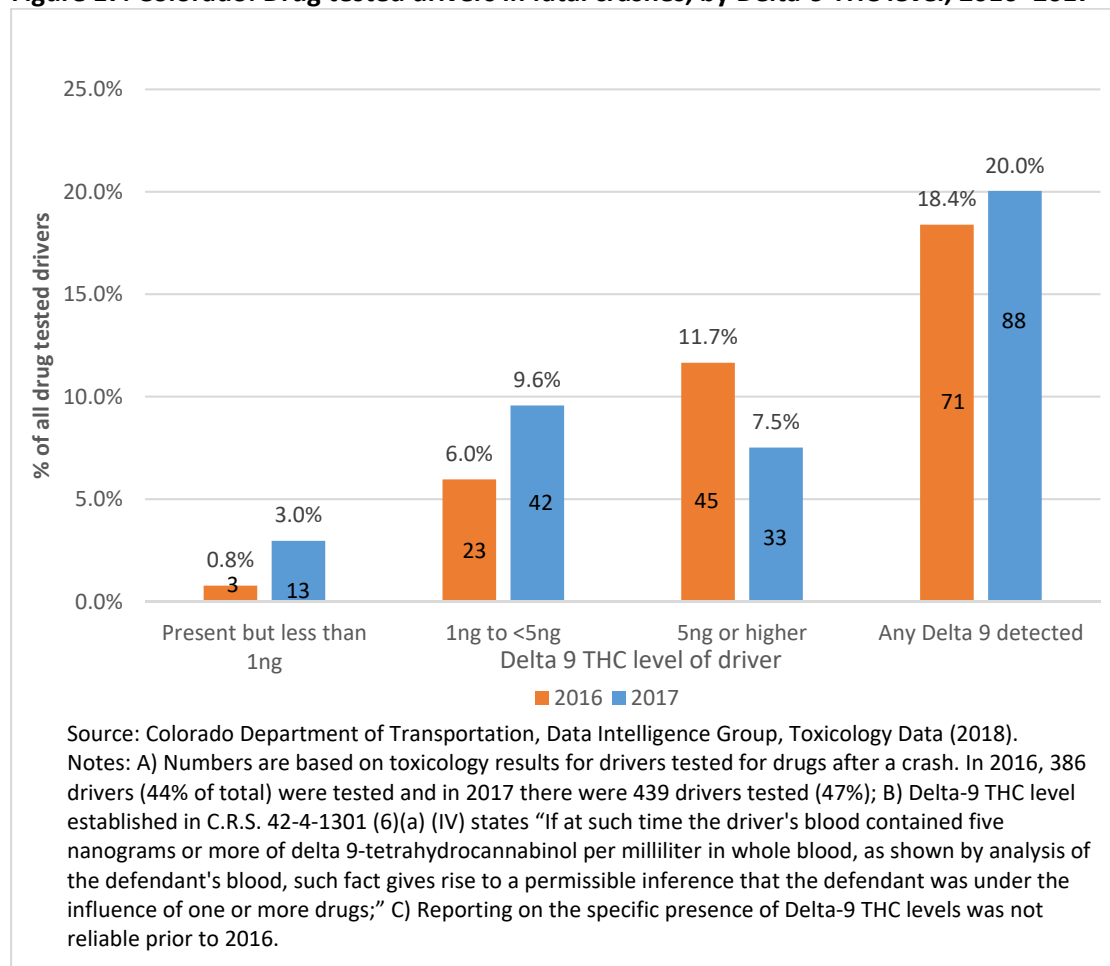
Note: A) Numbers are based on toxicology results for drivers tested for drugs after a crash. See Table 21 for number and percent of drivers tested each year; B) the presence of a cannabinoid does not necessarily indicate recent use of marijuana or impairment.

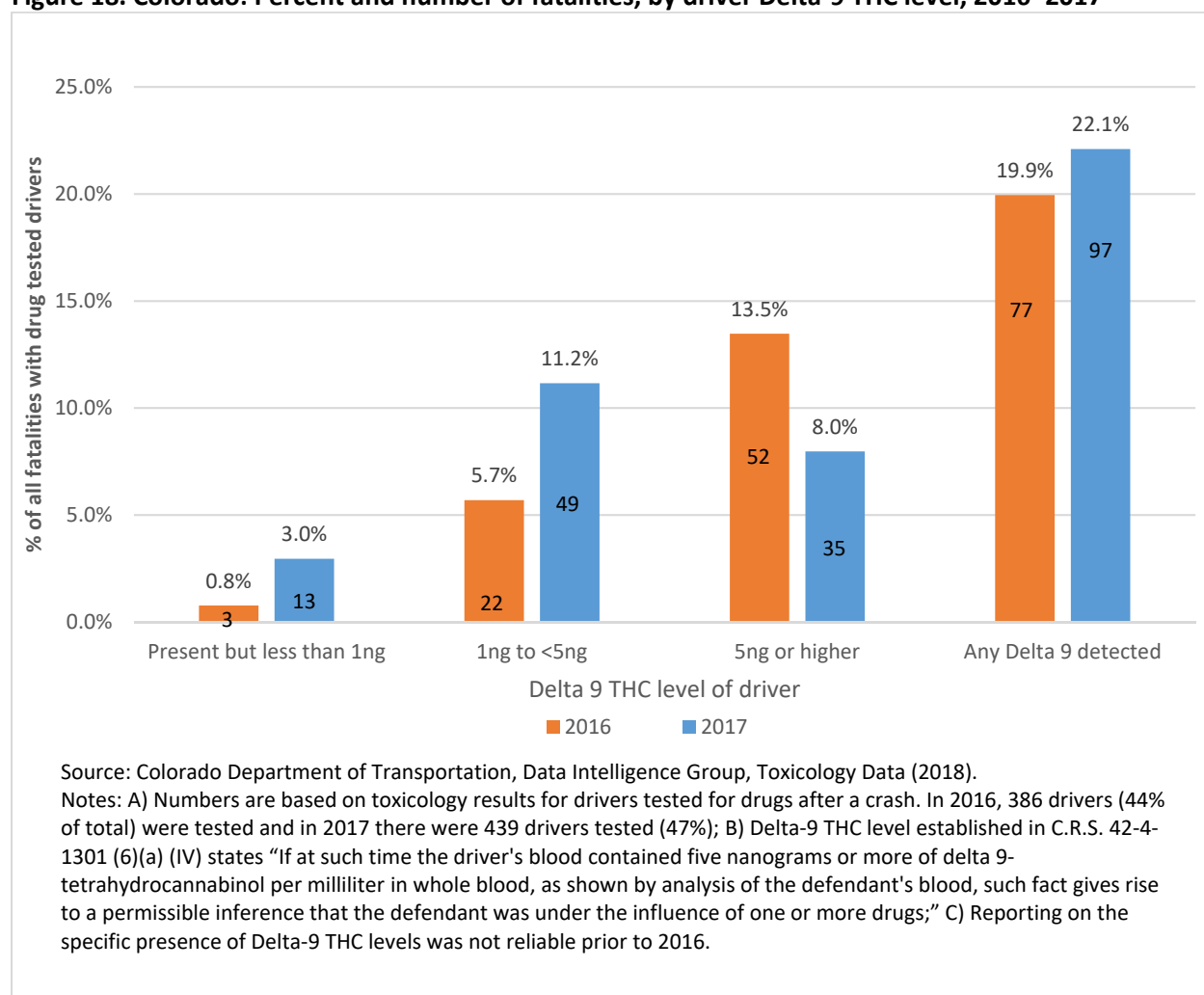
**Figure 16. Colorado fatalities involving drivers testing positive for cannabinoids, 2013–2017**

Source: Colorado Department of Transportation, Data Intelligence Group, Toxicology Data (2018).

Note: A) Numbers are based on toxicology results where at least one driver was tested for drugs after a crash; see Table 21 for number and percent of drivers tested each year; B) the presence of a cannabinoid does not necessarily indicate recent use of marijuana or impairment.

**Figure 17. Colorado: Drug tested drivers in fatal crashes, by Delta-9 THC level, 2016–2017**



**Figure 18. Colorado: Percent and number of fatalities, by driver Delta-9 THC level, 2016–2017**

### *Law Enforcement Training to Detect Impairment*

Three training programs were administered in fiscal year 2016 using the Marijuana Tax Revenue Funds allocated from Senate Bill 14-215 to Peace Officer Standards and Training (POST) for law enforcement training. Training data were provided by the State of Colorado's Department of Law for the period July 1, 2014, through June 30, 2016.<sup>48</sup>

A Drug Recognition Expert (DRE) is a peace officer trained to recognize, document and articulate impairment in drivers who are under the influence of drugs other than, or in addition to, alcohol. The course to become a DRE is 56 hours, the DRE instructor course is an additional 24 hours, and an annual eight-hour update is required. In fiscal year 2016 training was completed by 23 DREs, 17 DRE instructors; 94 DREs attended the required update training (Table 24). As of June 2018, a total of 214 DREs were certified statewide (Figure 19), an increase from 32 in 2006 and 129 in 2012. The Colorado State Patrol

<sup>48</sup> For additional information on marijuana trainings supplied by POST, see <https://www.coloradopost.gov/training/marijuana-training-law-enforcement>.

(61) and Denver Police Department (27) have the greatest number of DREs. (For a complete summary of agency training see Appendix G.)

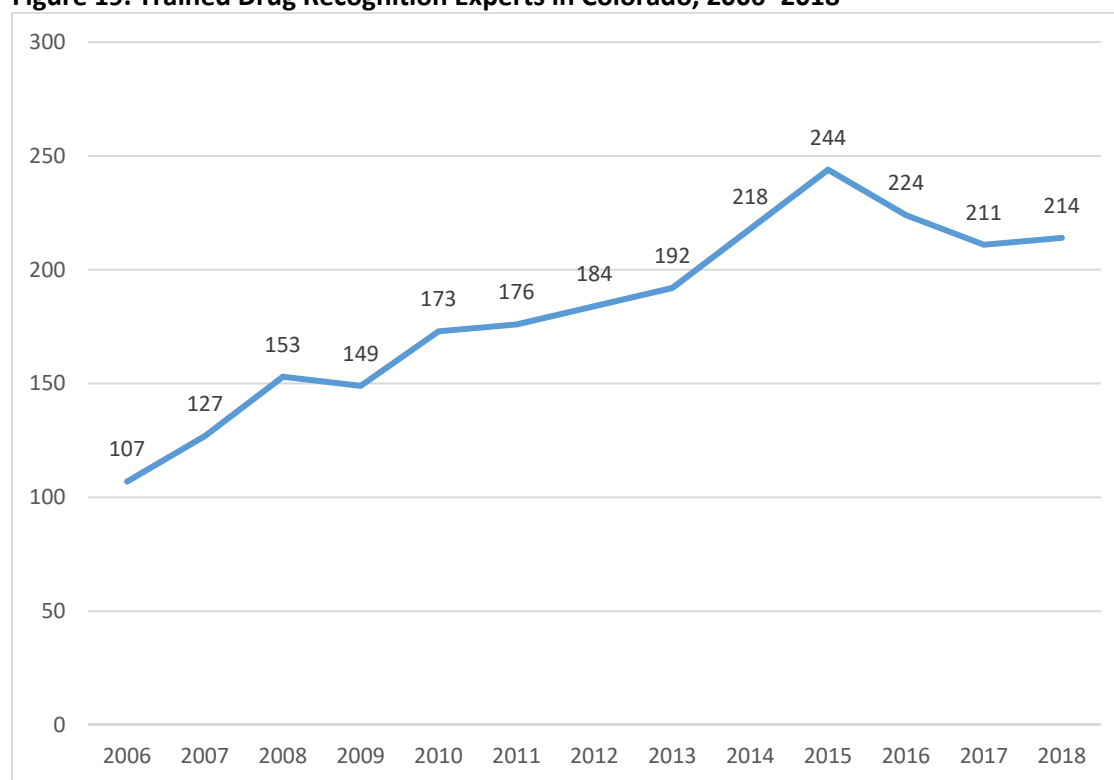
The Advanced Roadside Impaired Driving Enforcement (ARIDE) program was created to address the gap in training between the Standardized Field Sobriety Testing and the Drug Recognition Expert program. ARIDE bridges the gap between these two programs by providing officers with general knowledge related to drug impairment and by promoting the use of DREs. ARIDE training is 16 hours long. In fiscal year 2016, ARIDE training was completed by 136 peace officers (Table 24).

The Introduction to Marijuana for Law Enforcement (Marijuana 101) course is designed to clarify legal issues for peace officers. Topics covered include potential lawsuits, the difference between Amendments 20 and 64, changes to possession charges and limits, the meaning of caregiver and medical marijuana patient, how marijuana has changed the way law enforcement conducts and develops probable cause for a search, how to query a medical marijuana card on the Colorado Crime Information Center database, and investigations. This course allows the peace officers attending to participate in scenario-based training and gain an understanding of marijuana laws. In fiscal year 2016 this training was provided to 1,575 peace officers and 135 school resource officers (Table 24). POST also hosted a marijuana education conference that included 372 attendees from law enforcement agencies from across the country.

**Table 24. Law enforcement impaired driving training funded by Marijuana Cash Tax Fund**

| Training type                 | FY 2015           |                         | FY 2016           |                         |
|-------------------------------|-------------------|-------------------------|-------------------|-------------------------|
|                               | Number of classes | Number officers trained | Number of classes | Number officers trained |
| Drug Recognition Expert       |                   |                         |                   |                         |
| Operator                      | 3                 | 56                      | 4                 | 23                      |
| Instructor                    | 2                 | 17                      | 2                 | 17                      |
| Annual update                 | 2                 | 160                     | 2                 | 94                      |
| ARIDE                         | 35                | 562                     | 15                | 136                     |
| Marijuana for Law Enforcement |                   |                         |                   |                         |
| Law enforcement               | 103               | 2,256                   | 106               | 1,575                   |
| School Resource Officers      | 1                 | 70                      | 11                | 135                     |
| Train the Trainer             | 2                 | 14                      |                   |                         |
| Sobriety checkpoint training  |                   |                         | 15                | 97                      |
| DUI report writing            |                   |                         | 14                |                         |
| Marijuana conference          |                   |                         |                   | 372 attendees           |

Source: Colorado Attorney General's Office, Peace Officer Standards and Training.

**Figure 19. Trained Drug Recognition Experts in Colorado, 2006–2018**

Source: Colorado Department of Transportation.

## Probationer Drug Test Results

Colorado's Probation Departments conduct drug tests on adult probationers. The frequency of testing is determined by assessment, court orders, and other case-related information. There is no link between probationer drug testing results and probation status so it is not known if changes in drug use patterns are affecting probation violations. Additionally, in 2016 a bill was passed that gave judge's the ability to determine if there is "any material evidence, that a prohibition against the possession or use of medical marijuana is necessary and appropriate to accomplish the goals of sentencing."<sup>49</sup> It is unknown if the number of probationers using medical marijuana was sufficient to effect the testing trends after 2016.

Table 25 presents information on the percentage of probationers tested who were positive for THC, categorized by the number of times they tested positive in a year. The percent of the 18- to 25-year-old group who tested positive for THC one or two times decreased from 21% in 2012 to 18% in 2017 but those testing positive three times or more nearly doubled, from 12% in 2012 to 23% in 2017. The 26- to 35-year-old group showed a similar trend, with the percent testing positive just one or two times unchanged at 13%, while those testing positive three or more times increased from 7% in 2012 to 18% in 2017. The percentage of the 36 and older group testing positive once or twice remained unchanged from 2012 to 2017 at 9%. The proportion testing positive three or more times increased from 5% in 2012 to 12% in 2017.

<sup>49</sup> C.R.S 18-1.3-204(VIII)(A).



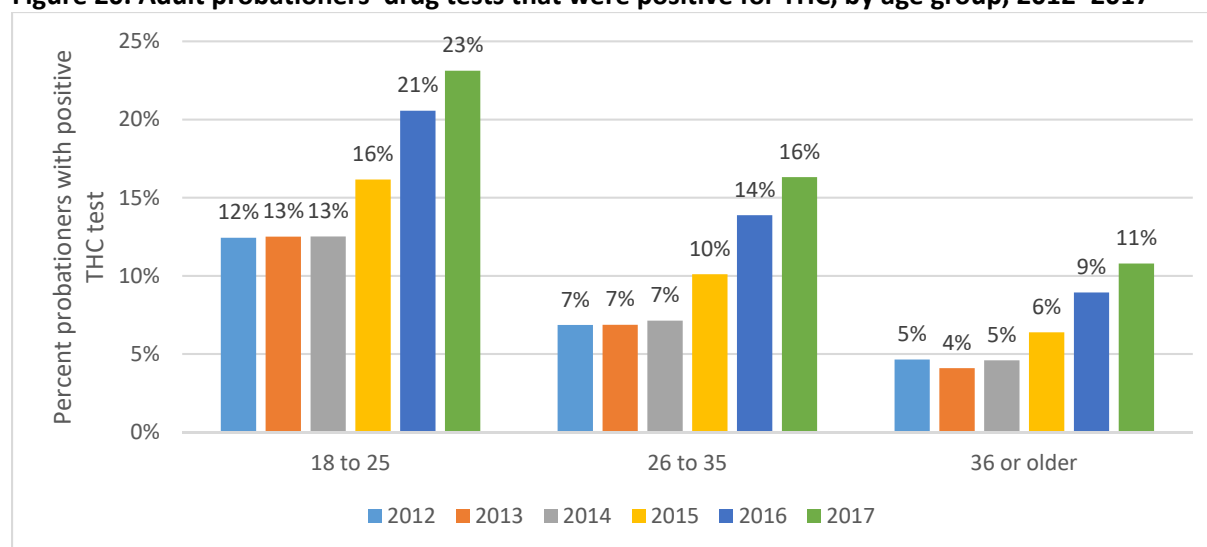
**Table 25. Adult probationer drug test results for THC, by age group and number of times positive in a year, 2012-17**

| Age group         | Test results             | 2012   | 2013   | 2014   | 2015   | 2016   | 2017   |
|-------------------|--------------------------|--------|--------|--------|--------|--------|--------|
| 18 to 25 years    | N tested                 | 17,231 | 15,983 | 18,832 | 17,845 | 16,916 | 16,305 |
|                   | 0 times positive         | 68%    | 69%    | 66%    | 64%    | 61%    | 58%    |
|                   | 1-2 times positive       | 21%    | 18%    | 18%    | 18%    | 18%    | 18%    |
|                   | 3 times or more positive | 12%    | 12%    | 16%    | 19%    | 21%    | 23%    |
| 26 to 35 years    | N tested                 | 15,851 | 16,192 | 21,290 | 21,582 | 21,944 | 22,078 |
|                   | 0 times positive         | 79%    | 81%    | 79%    | 75%    | 72%    | 69%    |
|                   | 1-2 times positive       | 13%    | 12%    | 11%    | 12%    | 12%    | 13%    |
|                   | 3 times or more positive | 7%     | 8%     | 10%    | 12%    | 15%    | 18%    |
| 36 years or older | N tested                 | 16,594 | 17,561 | 23,543 | 24,016 | 23,937 | 24,324 |
|                   | 0 times positive         | 86%    | 88%    | 86%    | 84%    | 81%    | 78%    |
|                   | 1-2 times positive       | 9%     | 8%     | 8%     | 8%     | 9%     | 9%     |
|                   | 3 times or more positive | 5%     | 5%     | 7%     | 8%     | 10%    | 12%    |

Note: Percentages may not sum to 100 due to rounding.

Source: Data provided by Colorado State Judicial Department, analyzed by the Division of Criminal Justice.

The percent of all drug tests that were positive for THC increased across all adult age groups (Figure 20). For 18- to 25-year-olds, 12% of tests were positive in 2012 and 23% were positive in 2017. For 26- to 35-year-olds, 7% of tests were positive in 2012, which more than doubled to 16% in 2017. The percent of drug tests for those 36 years or older also doubled, from 5% in 2012 to 11% in 2017.

**Figure 20. Adult probationers' drug tests that were positive for THC, by age group, 2012–2017**

Source: Data provided by Colorado State Judicial Department, analyzed by the Division of Criminal Justice.

## Illegal Cultivation on Public Lands

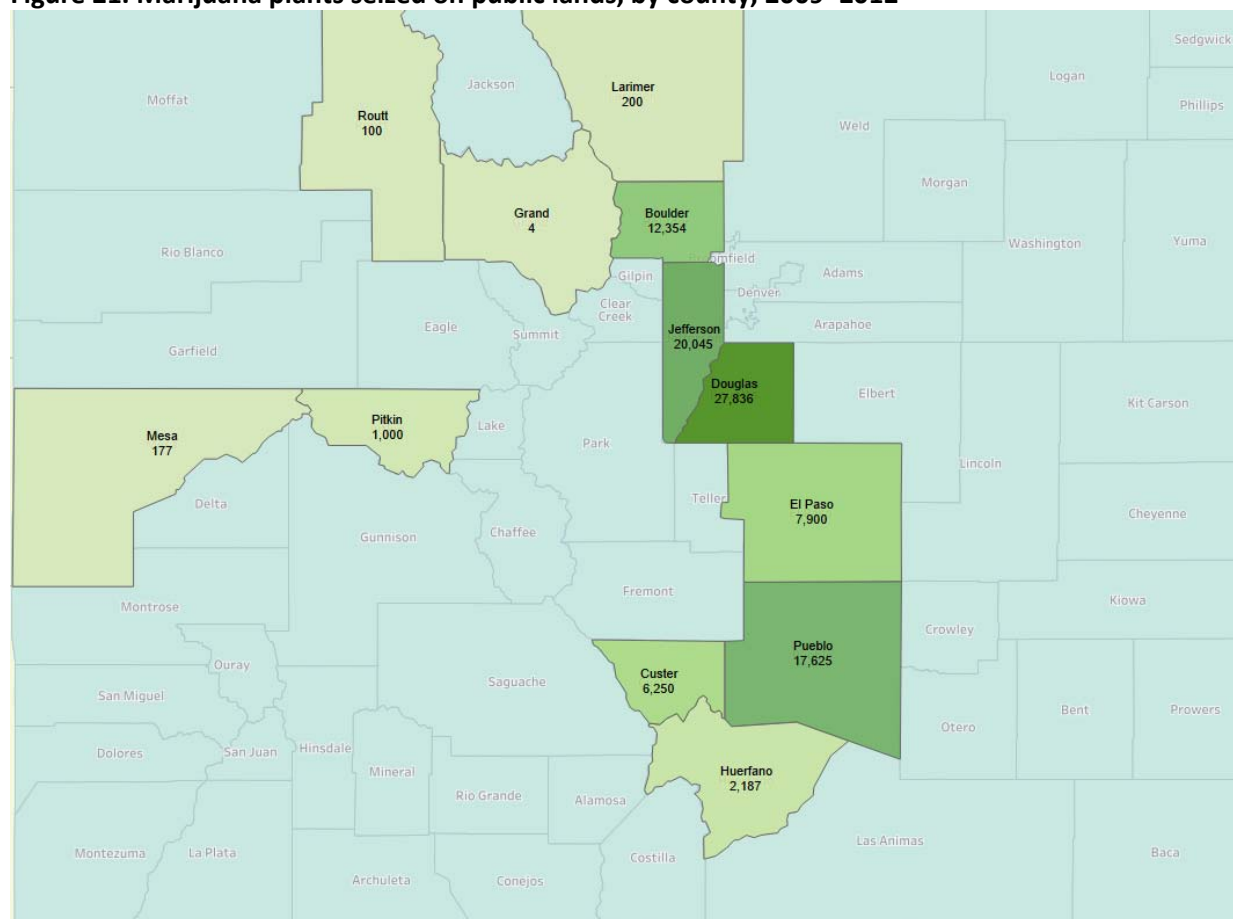
Data from the National Forest Service, Bureau of Land Management, National Park Service, and the Colorado Division of Parks and Wildlife was obtained to determine what enforcement actions have been undertaken regarding cultivation of marijuana on public lands. The number of growing operations and plants seized shows no discernible trend (Table 26). Prior to legalization, the year with the greatest activity was 2012, with 11 grow operations seized, accounting for approximately 46,622 plants. Recent data indicated an increase in illegal growing activity on public lands, with 63,602 plants seized in 2016 and 80,826 in 2017. Two maps, Figures 21 and 22, show the number of grow operations and plants seized from 2009–2012 and 2013–2017. In the period 2013–2017, the most plants seized were in Custer, Pueblo, and Huerfano Counties.

**Table 26. Marijuana plants seized on public land, by agency, 2009–2017**

| Year | Grows seized | Plants seized           |                           |                       | Total number of plants |
|------|--------------|-------------------------|---------------------------|-----------------------|------------------------|
|      |              | National Forest Service | Bureau of Land Management | National Park Service |                        |
| 2009 | 8            | 29,200                  | 177                       | 4                     | 29,381                 |
| 2010 | 5            | 15,665                  | 0                         | 0                     | 15,665                 |
| 2011 | 4            | 3,970                   | 0                         | 0                     | 3,970                  |
| 2012 | 11           | 46,662                  | 0                         | 0                     | 46,662                 |
| 2013 | 3            | 4,980                   | 0                         | 0                     | 4,980                  |
| 2014 | 4            | 4,484                   | 0                         | 0                     | 4,484                  |
| 2015 | 6            | 22,830                  | 2,200                     | 0                     | 25,030                 |
| 2016 | 8            | 63,602                  | 0                         | 0                     | 63,602                 |
| 2017 | 22           | 71,626                  | 9,200                     | 0                     | 80,826                 |

Source: Data provided by National Forest Service, National Park Service, and Bureau of Land Management, analyzed by the Division of Criminal Justice.

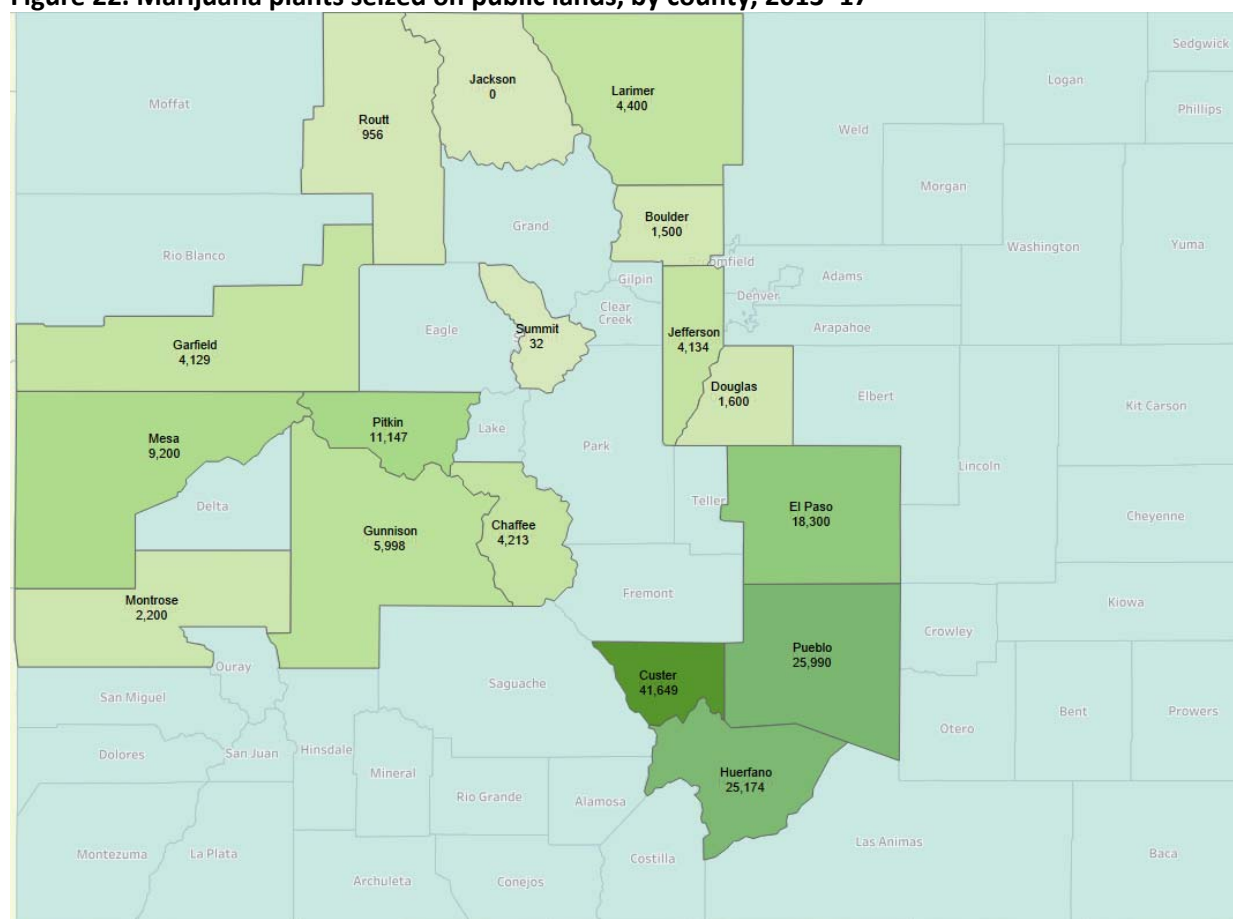
**Figure 21. Marijuana plants seized on public lands, by county, 2009–2012**



Source: Data provided by National Forest Service, National Park Service, and Bureau of Land Management, analyzed by the Division of Criminal Justice.

Note: Darker shaded areas indicate a higher number of plants eradicated.

**Figure 22. Marijuana plants seized on public lands, by county, 2013–17**



Source: Data provided by National Forest Service, National Park Service, and Bureau of Land Management, analyzed by the Division of Criminal Justice.

Note: Darker shaded areas indicate a higher number of plants eradicated.

### *Drug Enforcement Administration Cannabis Eradication Program*

The Drug Enforcement Administration (DEA) initiated the Domestic Cannabis Eradication/Suppression Program (DCE/SP), which is the only nationwide law enforcement program that exclusively targets drug trafficking organizations (DTOs) involved in cannabis cultivation. Through its nationwide cannabis eradication efforts, the DEA provides resources to support the 128 state and local law enforcement agencies that actively participate in the program. This assistance allows for the enhancement of already aggressive eradication enforcement activities throughout the nation.

The number of outdoor plants destroyed decreased from 26,020 in 2011 to 2,630 in 2014. However, the number of outdoor plants eradicated increased in both 2015 (26,545) and 2016 (23,823), indicating more federal involvement in marijuana eradication (Table 27). The number of indoor plants seized has not shown a consistent trend but reached a recent peak in 2016 when 18,010 plants were seized

indoors. The number of arrests climbed over the past three years as well as the number of weapons seized (Table 27).

**Table 27. Drug Enforcement Administration cannabis eradication/suppression program in Colorado, 2006–2017**

| Year | Outdoor grow sites | Outdoor plants | Indoor grow sites | Indoor plants | Bulk processed marijuana (pounds) | Number of arrests | Weapons seized | Assets seized (value) |
|------|--------------------|----------------|-------------------|---------------|-----------------------------------|-------------------|----------------|-----------------------|
| 2006 | 14                 | 3,819          | 47                | 3,667         | 1,727                             | 193               | 19             | \$932,679             |
| 2007 | 31                 | 2,498          | 45                | 2,430         | 57                                | 143               | 29             | \$903,944             |
| 2008 | 17                 | 5,564          | 29                | 24,469        | 64                                | 36                | 0              | \$3,094,240           |
| 2009 | 28                 | 29,655         | 7                 | 235           | 62                                | 5                 | 0              | \$12,500              |
| 2010 | 7                  | 6,331          | 50                | 5,492         | 0                                 | 60                | 0              | \$153,674             |
| 2011 | 16                 | 26,020         | 3                 | 4             | 125                               | 11                | 0              | \$15,626              |
| 2012 | 3                  | 21,235         | 7                 | 2,069         | 515                               | 9                 | 47             | \$354,325             |
| 2013 | 2                  | 5,562          | 19                | 11,042        | 1,636                             | 2                 | 11             | \$257,938             |
| 2014 | 3                  | 2,630          | 18                | 5,426         | 381                               | 6                 | 23             | \$2,066,855           |
| 2015 | 6                  | 26,545         | 2                 | 527           | 159                               | 14                | 0              | \$0                   |
| 2016 | 13                 | 23,823         | 78                | 18,010        | 3,659                             | 15                | 66             | \$2,320,552           |
| 2017 | 9                  | 2,059          | 37                | 3,706         | 3,550                             | 24                | 79             | \$475,412             |

Source: U.S. Department of Justice, Drug Enforcement Administration. Cannabis Eradication, at <http://www.justice.gov/dea/ops/cannabis.shtml>, *Sourcebook of Criminal Justice Statistics*, at <http://www.albany.edu/sourcebook>

## Diversion Out of State

The amount of marijuana diverted out of Colorado is difficult to estimate, because a relatively small percentage of black market drugs are seized according to law enforcement officials. There is also no central database to which all law enforcement agencies report drug seizures and the originating state of the drug. The Colorado Information Analysis Center (CIAC), in the Department of Public Safety, is developing a comprehensive overview of where and how marijuana is being diverted out of Colorado. At present, staff is working to identify data sources that can reliably report on marijuana that is diverted from Colorado to other states. Currently, the best data available on diversion out of the state comes from the National Seizure System maintained by the El Paso Intelligence Center (EPIC). EPIC is an organization that provides intelligence and operational support to law enforcement agencies at all levels. EPIC has a data portal where law enforcement can enter information about drug seizures (among other things) including state of origin, state of interdiction, and destination state.

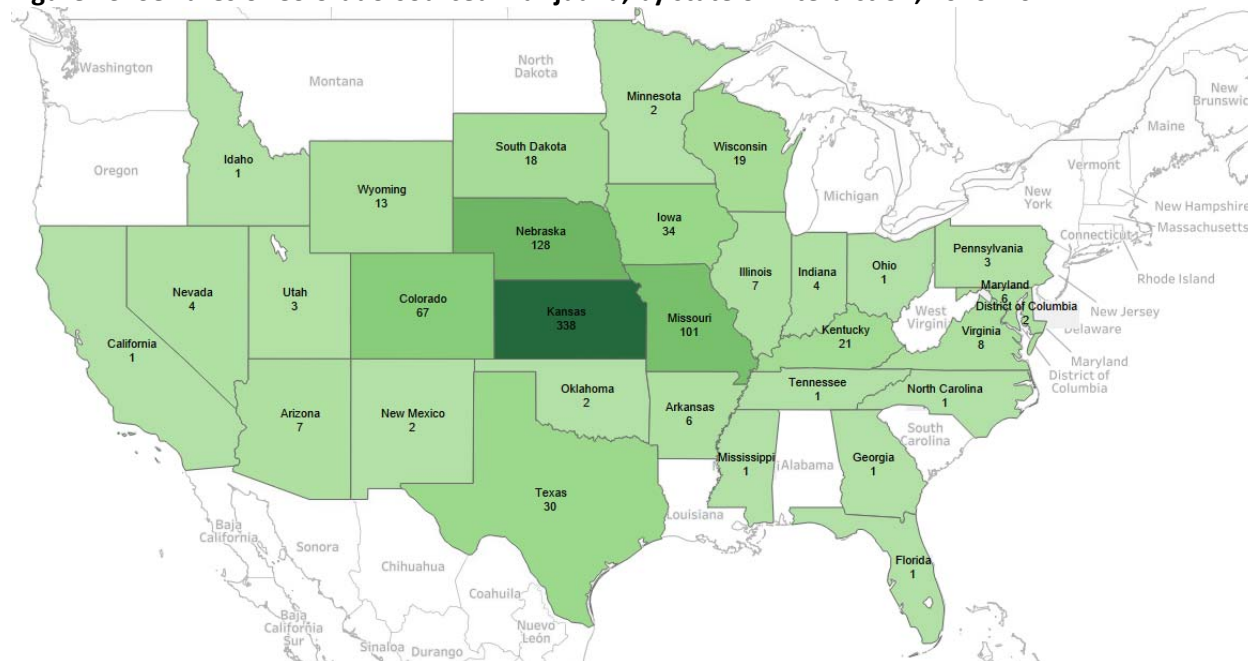
Interdiction state is the focus here because that is where the law enforcement impact of the seizure occurs and the information is the most reliable. The number of seizures reported increased from 2012 (286) to 2015 (768) but then declined, with 608 seizures reported to EPIC in 2017 (Table 28). Law enforcement agencies in Kansas and Nebraska intercepted 65% of the Colorado-sourced marijuana reported to EPIC in 2017, similar to prior years. Seizures used to be almost exclusively of marijuana flower, with that accounting for 90% of reported seizures in 2012. By 2017, 58% of seizures were for flower, 26% were for concentrates/hash, and 16% were for edibles (Table 28).

**Table 28. Seizures of Colorado-sourced marijuana, by type, 2010–2017**

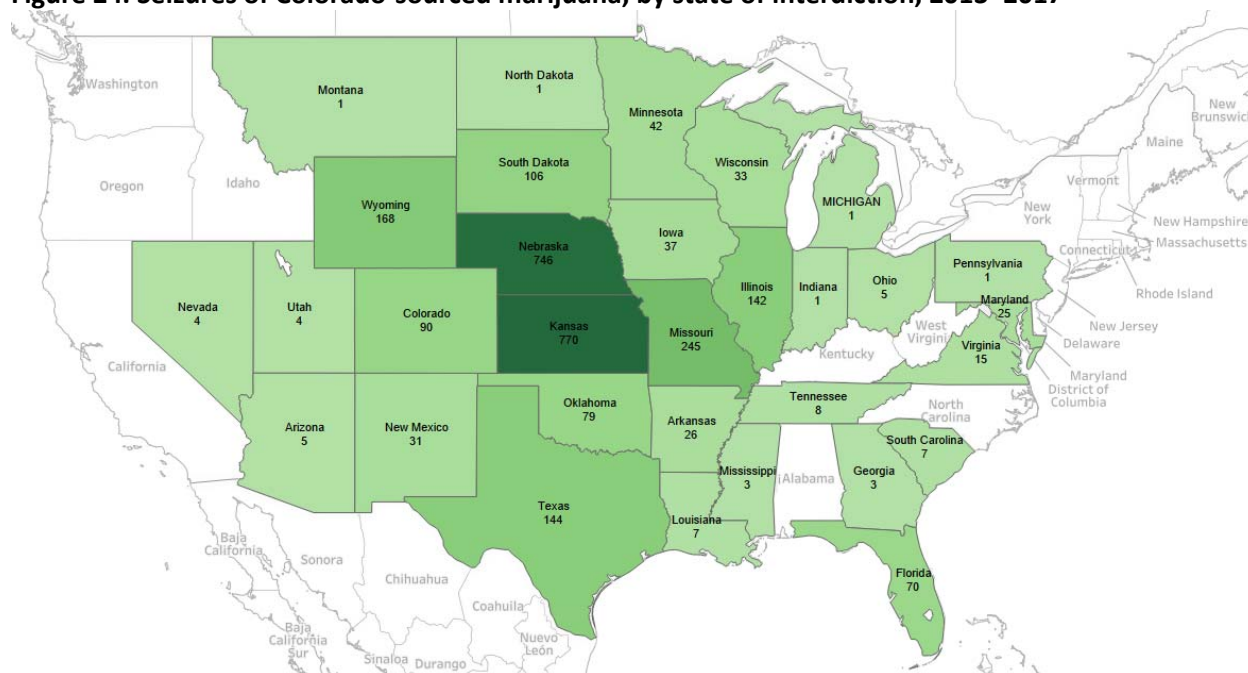
| Year | Marijuana type seized |                         |         |       | Total |
|------|-----------------------|-------------------------|---------|-------|-------|
|      | Flower/bud            | Concentrate/<br>hashish | Edibles | Other |       |
| 2010 | 216                   | 9                       | 0       | 0     | 225   |
| 2011 | 299                   | 24                      | 0       | 3     | 326   |
| 2012 | 257                   | 26                      | 2       | 1     | 286   |
| 2013 | 265                   | 38                      | 4       | 2     | 309   |
| 2014 | 373                   | 86                      | 9       | 0     | 468   |
| 2015 | 503                   | 160                     | 103     | 2     | 768   |
| 2016 | 444                   | 129                     | 97      | 3     | 673   |
| 2017 | 351                   | 157                     | 100     | 0     | 608   |

Source: Colorado Information Analysis Center, data extracted from National Seizure System.

The seizures reported to EPIC have always been most likely to occur in the states bordering or near Colorado, particularly Kansas, Nebraska, and Wyoming (Figures 23 and 24).

**Figure 23. Seizures of Colorado-sourced marijuana, by state of interdiction, 2010–2012**

Source: Colorado Information Analysis Center, data extracted from National Seizure System.

**Figure 24. Seizures of Colorado-sourced marijuana, by state of interdiction, 2013–2017**

Source: Colorado Information Analysis Center, data extracted from National Seizure System.

## Transfer Using Parcel Services

The United States Postal Inspection Service reported the number of seizures to the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) organization. Table 29 presents the trend from 2010 through 2017, which indicates regular increases in both the number of parcels and amount of marijuana products seized.

**Table 29. Marijuana Seizures by United States Postal Inspection Service, 2010–2017**

| Year | N parcels seized | Pounds seized |
|------|------------------|---------------|
| 2010 | 15               | 57.2          |
| 2011 | 36               | 68.2          |
| 2012 | 158              | 262.0         |
| 2013 | 207              | 493.1         |
| 2014 | 320              | 469.9         |
| 2015 | 581              | 1247.0        |
| 2016 | 854              | 1725.5        |
| 2017 | 1,009            | 2,001.0       |

Source: Rocky Mountain High Intensity Drug Trafficking Area (2018). *The Legalization of Marijuana in Colorado: The Impact, Volume 5*.

Note: Data provided to RMHIDTA from the United States Postal Inspection Service.



## SECTION THREE: IMPACT ON PUBLIC HEALTH AND BEHAVIORAL HEALTH SERVICES

### Overview

This section summarizes several sources of data to examine the impact of marijuana legalization on public health and behavioral health services in Colorado. The Department of Public Health and Environment (CDPHE) monitors environmental and public health for the state and is statutorily mandated to measure and report on public health impacts. CDPHE produces a report every two years that provides an in-depth understanding of the public health concerns in the state; the next report is expected in January 2019.

CDPHE is required by statute to monitor marijuana use patterns and potential marijuana adverse health effects. To this end, CDPHE uses the Behavioral Risk Factor Surveillance System (BRFSS), the National Survey of Drug Use and Health (NSDUH), a long-term survey conducted by the Substance Abuse and Mental Health Services Administration (SAMHSA), and data provided by the Colorado Hospital Association and the Rocky Mountain Poison and Drug Center.

The American College Health Association administers the National College Health Assessment, an annual survey of college students that asks a few questions about marijuana. These data are discussed below.

Data provided by the Colorado Department of Human Services, Office of Behavioral Health, inform two treatment topics in this section. The first focuses on licensed facilities that report treatment admissions in which marijuana is listed as the client's primary drug of abuse. The second reviews trends in the frequency of use by clients in treatment for marijuana abuse.

### Adult Usage

#### Behavioral Risk Factor Surveillance System

The Colorado Behavioral Risk Factor Surveillance System (BRFSS), sponsored by the Centers for Disease Control and Prevention, is a telephone survey of adults 18 and older that monitors lifestyles and behaviors related to the leading causes of mortality and morbidity. In recent years, health professionals and the public have become increasingly aware of how such lifestyle factors as cigarette smoking, being overweight, sedentary lifestyle, and the nonuse of seat belts contribute to injury, illness, and death.<sup>50</sup>

In 2014, questions were added to the Colorado BRFSS regarding lifetime and past 30-day marijuana use, age of first use, and whether respondents drove after recent use. In 2015, questions were added to estimate methods and frequency of marijuana use, and respondents' perception of harm from use. In 2016, the questions about lifetime use and age of first use were removed. By continuing collection of

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<sup>50</sup> Additional information on the Colorado BRFSS can be accessed at <https://www.colorado.gov/pacific/cdphe/adult-marijuana-use-trends>.



these data over time, CDPHE will be able to monitor any changes in marijuana use patterns among Colorado adults.

In 2017, the BRFSS survey included 9,802 respondents throughout Colorado. Results were weighted to represent 4,384,556 Colorado adults 18 years and older. The BRFSS and other sample-based surveys employ weights to account for the fact that information is obtained from a sample and used to represent the larger population. The weights account for sampling design, nonparticipants, and adjustments in age, sex, education, marital status, home ownership, telephone source (landline or cell phone), region, and race/ethnicity to match the sample with the population. Some questions were only asked of those respondents who reported current marijuana use.

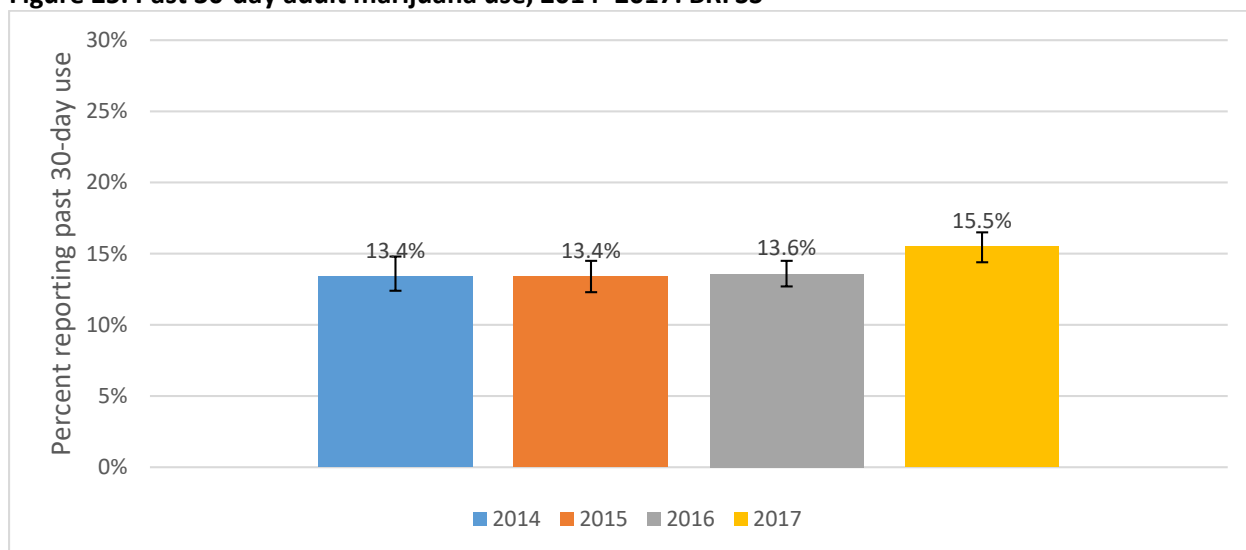
Marijuana use remained stable from 2014 to 2016, at 13.5%. In 2017, use significantly increased to 15.5% of Colorado adults reported using marijuana in the past 30 days (Figure 25).

Prevalence of marijuana use differed by age and gender. In 2017, more males reported current (past 30-day) use of marijuana (19.8%) than females (11.2%). Current use for males increased significantly from 2016 (16.4%) to 2017 (19.8%), but female use remained stable (Figure 26).

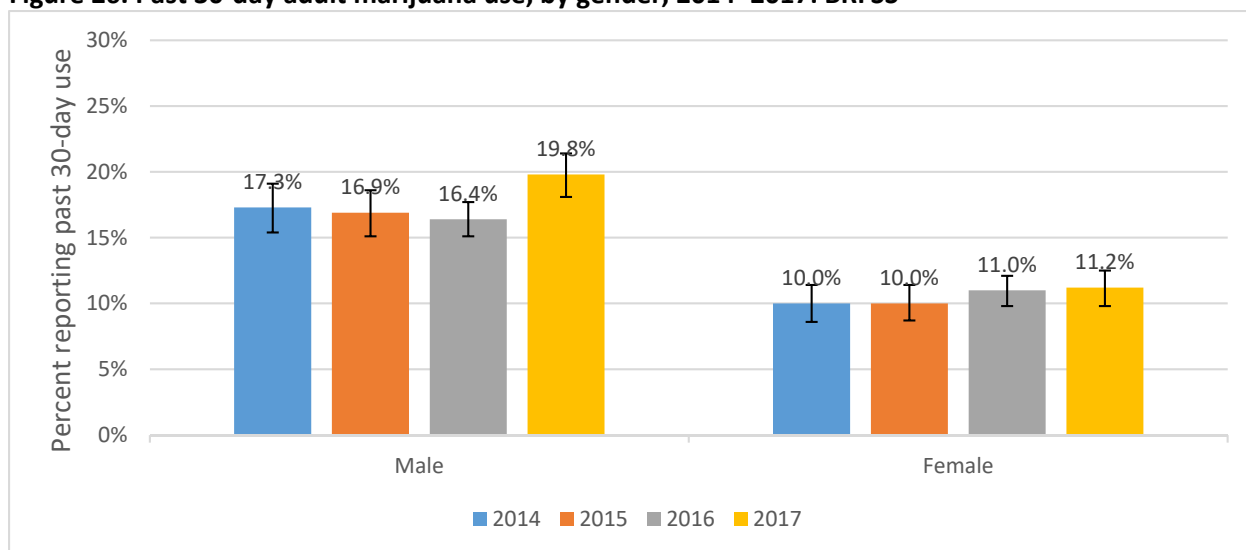
Figure 27 presents trend data for past 30-day marijuana use stratified by age group. In 2017, past 30-day marijuana use among 18- to 25-year-old respondents (29.2%) was not significantly different from 26- to 34-year-olds (26.4%). However, both of those age groups reported significantly higher past 30-day use compared 35- to 64-year-olds (12.5%) and those 65 and older (5.6%). There was no significant difference in reported use for 18- to 25-year-olds or 35- to 64-year-olds from 2014 to 2017. However, reported use for those ages 26 to 34 years significantly increased from 2016 (19.4%) to 2017 (26.4%)

Past 30-day marijuana use did not significantly differ by race/ethnicity (Figure 28). There were small, nonsignificant differences between Blacks reporting past 30-day marijuana use (13.1%) in 2017 and Whites (16.1%) and Hispanics (14.4%). There was no significant change from 2014 to 2017 among racial/ethnic groups.

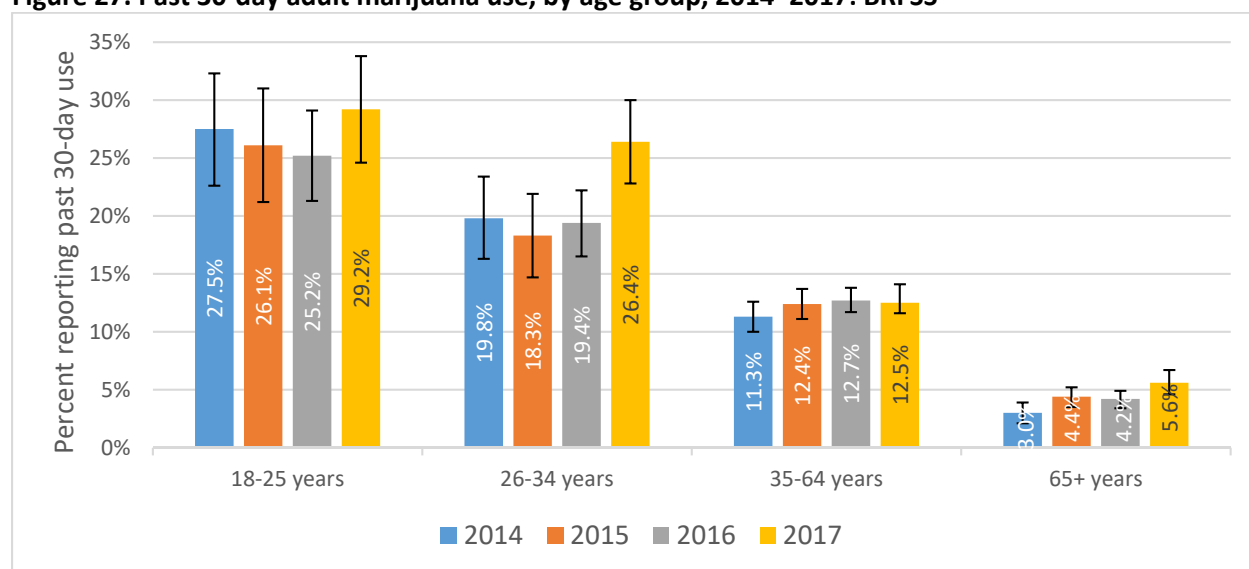
Sexual orientation was related to past 30-day marijuana use (Figure 29). In 2017, 34.7% of those who identified their sexual orientation as gay, lesbian, or bisexual reported use in the past 30 days compared to 14.5% for those who identified as heterosexual. From 2016 to 2017, there was a significant increase in use among those who identify as gay, lesbian, or bisexual, from 22.5% to 34.7% (Figure 29).

**Figure 25. Past 30-day adult marijuana use, 2014–2017: BRFSS**

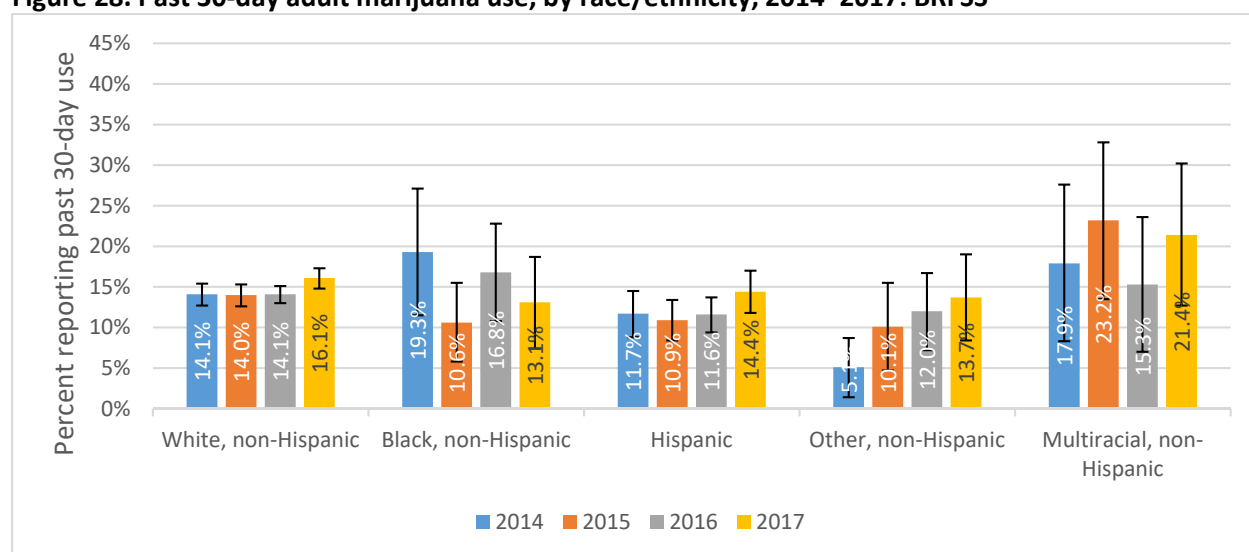
Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment.

**Figure 26. Past 30-day adult marijuana use, by gender, 2014–2017: BRFSS**

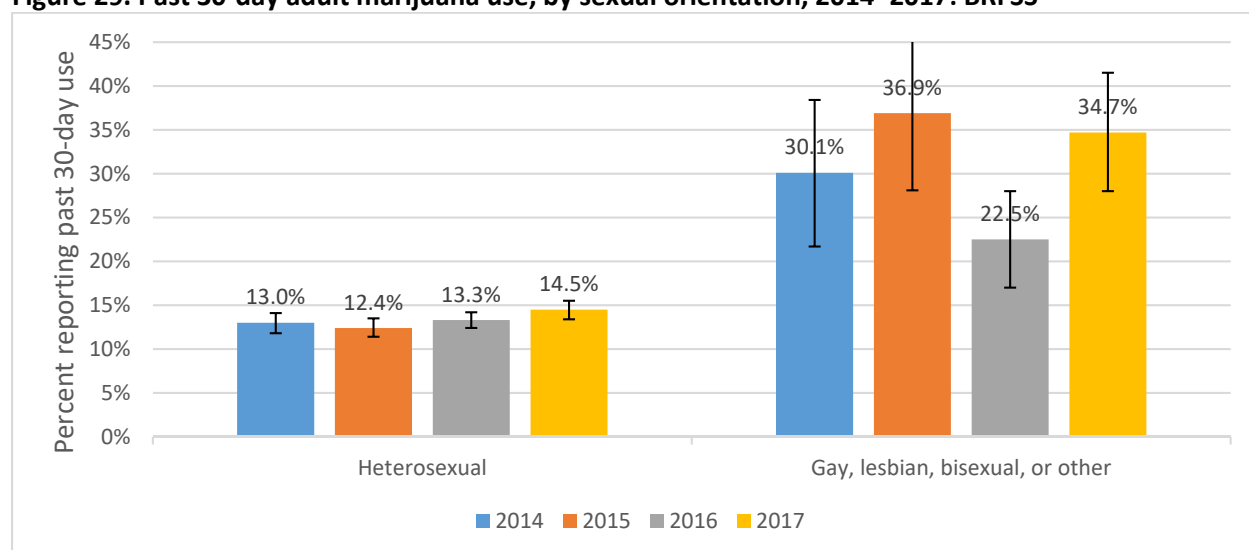
Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment.

**Figure 27. Past 30-day adult marijuana use, by age group, 2014–2017: BRFSS**

Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment.

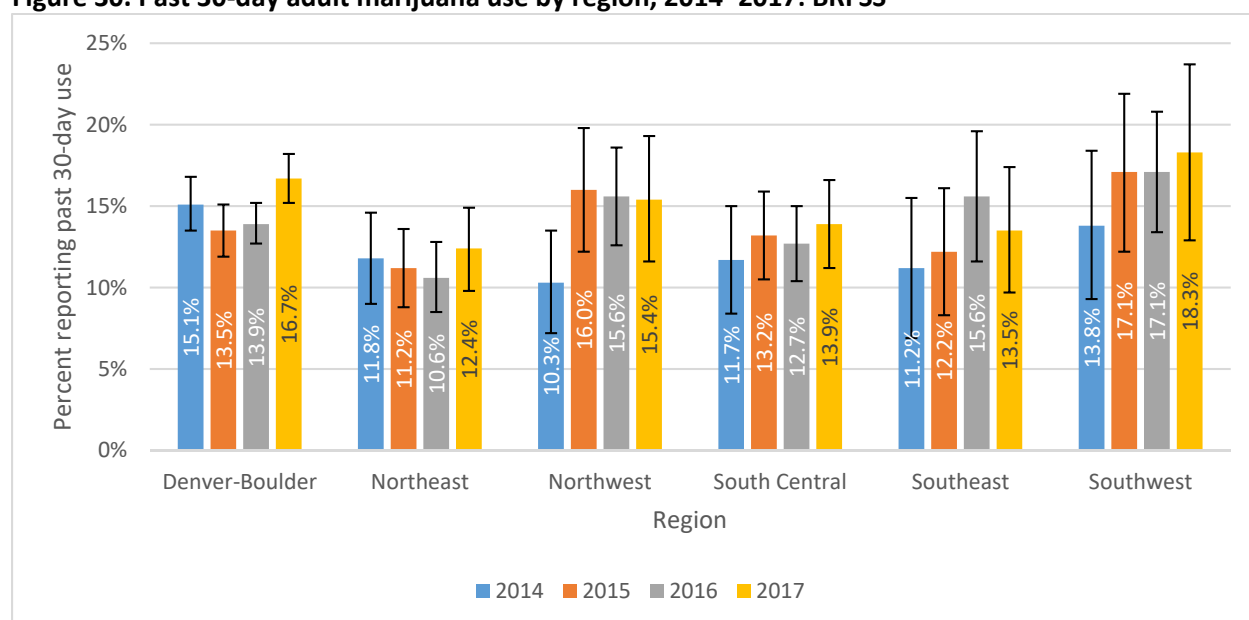
**Figure 28. Past 30-day adult marijuana use, by race/ethnicity, 2014–2017: BRFSS**

Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment.

**Figure 29. Past 30-day adult marijuana use, by sexual orientation, 2014–2017: BRFSS**

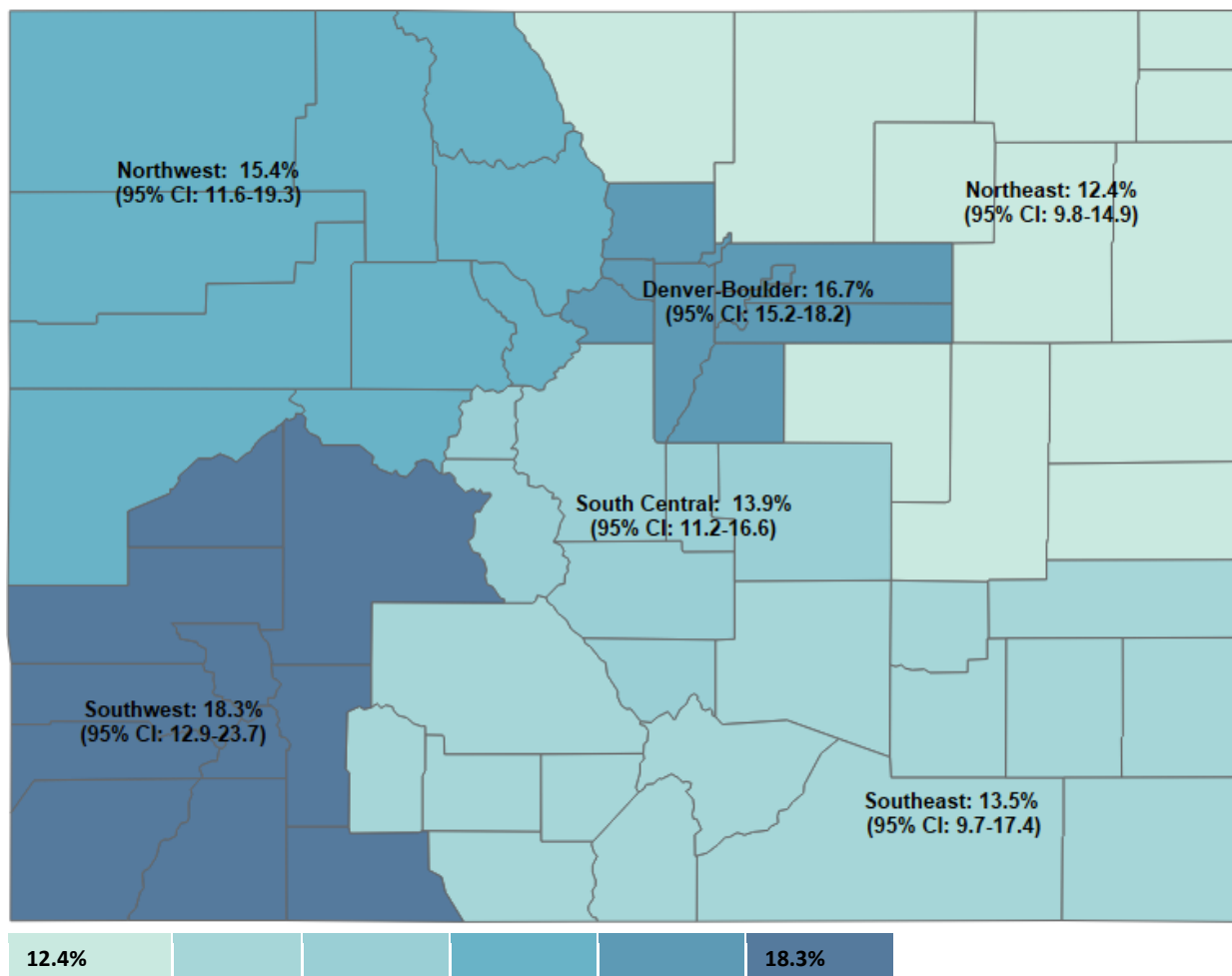
Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment.

The geographic BRFSS marijuana use estimates for Colorado are presented in two ways. Annual data were grouped into six regions (Figure 31), while county-level data for 2014 through 2017 were only available as a four-year average (Figure 32). The trends within each region from 2014 through 2017 are presented in Figure 30, and 2017 data are presented in a map in Figure 31. In 2017, the region with the lowest rate was the Northeast (12.4%) while the highest usage rates were in the Southwest (18.3%) (Figure 30).

**Figure 30. Past 30-day adult marijuana use by region, 2014–2017: BRFSS**

Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment.

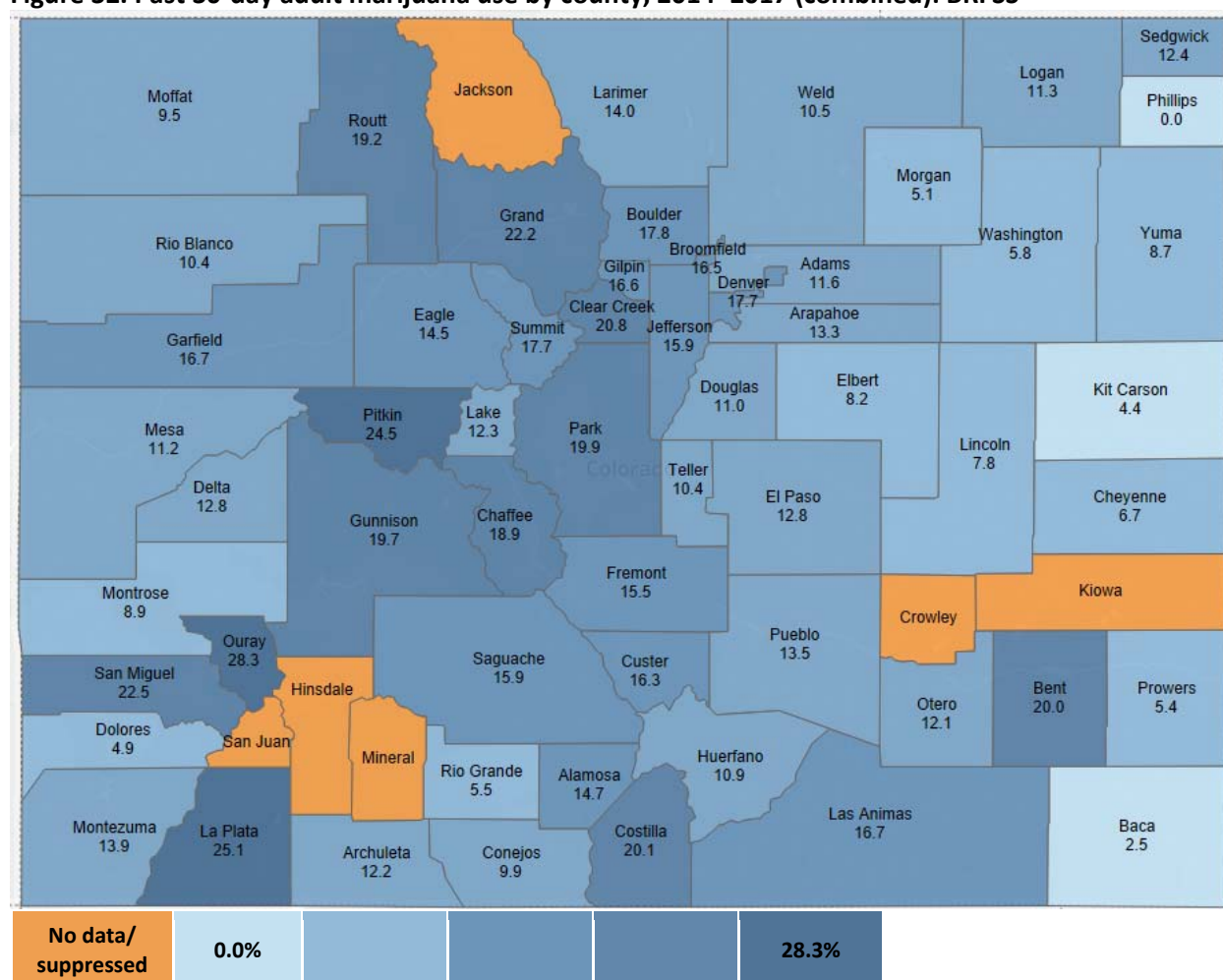
**Figure 31. Past 30-day adult marijuana use, 2017: BRFSS**



Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment.

County-level estimates of past 30-day marijuana use are presented in Figure 32. Due to the relatively small number of responses in each county, the results are combined for the four-year period from 2014 to 2017. The counties with the three highest past 30-day marijuana use were Ouray (28.3%), La Plata (25.1%), and Pitkin (24.5%). The counties with the lowest past 30-day marijuana use were Philips (0.0%), Baca (2.5%), and Kit Carson (4.4%).

**Figure 32. Past 30-day adult marijuana use by county, 2014–2017 (combined): BRFSS**



Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment.

Note: Counties shaded in orange either had no data reported or did not have enough responses over the four-year period to develop reliable estimates.

### National Survey on Drug Use and Health

The Substance Abuse and Mental Health Services Administration (SAMHSA) conducts the annual National Survey on Drug Use and Health (NSDUH).<sup>51</sup> NSDUH is the primary source of information on the prevalence, patterns, and consequences of alcohol, tobacco, and illegal drug use and abuse and mental disorders in the U.S. civilian, noninstitutionalized population, age 12 and older. The survey generates estimates at the national, state, and sub-state levels. NSDUH is state-based, with an independent, multistage area probability sample within each state and the District of Columbia. SAMHSA produces state-level estimates from a two-year rolling average. This means that each year actually represents two

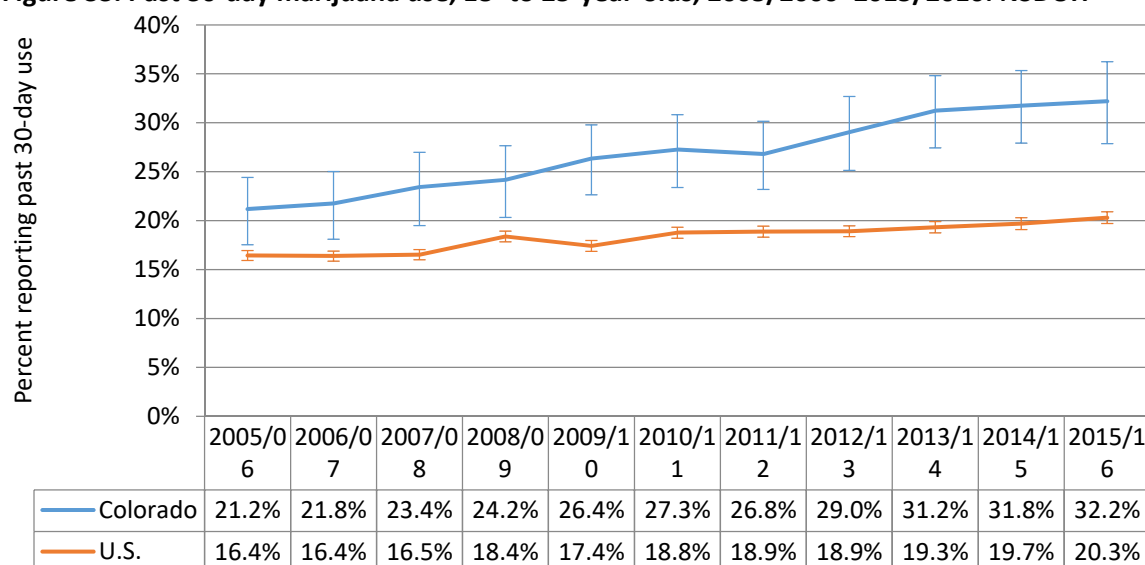
<sup>51</sup> Descriptions of NSDUH derived from information available at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>.

years of data. The two-year prevalence rates for Colorado residents 18 and older were based on weighted estimates from 1,200 to 1,400 survey respondents.<sup>52</sup>

#### *Young Adult Trends (18- to 25-Year-Olds)*

Past 30-day marijuana use increased significantly for young adults (18- to 25-year-olds), from 21.2% in 2005/2006 to 31.2% in 2013/2014 but stabilized since legalization, with 32.2% reporting use in 2015/2016 (Figure 33). Figure 34 shows the prevalence of past 30-day marijuana use by state, which indicates that young adult use in Colorado was significantly higher than in most other states.<sup>53</sup> The increase in marijuana use contrasts with a decline in cigarette use (down from 40.1% to 25.6%). Use of other illicit drugs was stable at around 9% during this same period (Figure 35). Alcohol use did not change appreciably, with usage rates at approximately 64% to 70% during this period (Figure 35).

**Figure 33. Past 30-day marijuana use, 18- to 25-year-olds, 2005/2006–2015/2016: NSDUH**

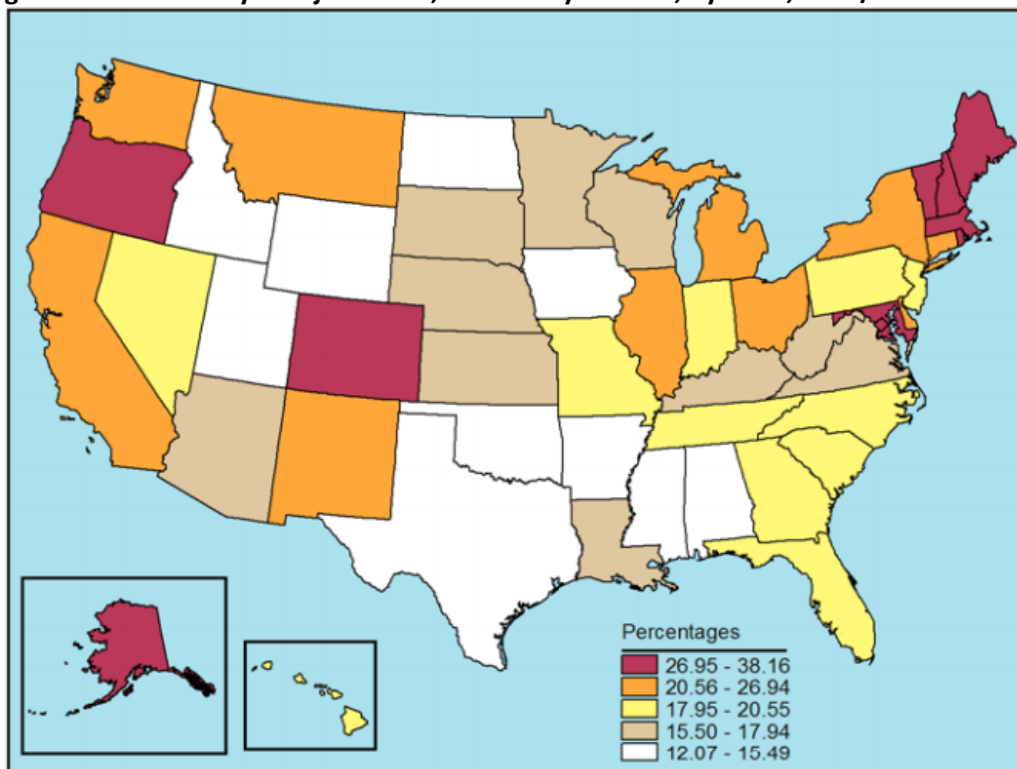


Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>.

<sup>52</sup> The exact number of survey respondents varies by year but has varied between 1,200 and 1,400 for the period 2005/06 to 2015/16. See the Substance Abuse and Mental Health Services Administration, 2015-2016 National Survey on Drug Use and Health: Guide to State Tables and Summary of Small Area Estimation Methodology, Table C-10, at <https://www.samhsa.gov/data/report/2015-2016-nsduh-guide-state-tables-and-summary-sae-methodology>

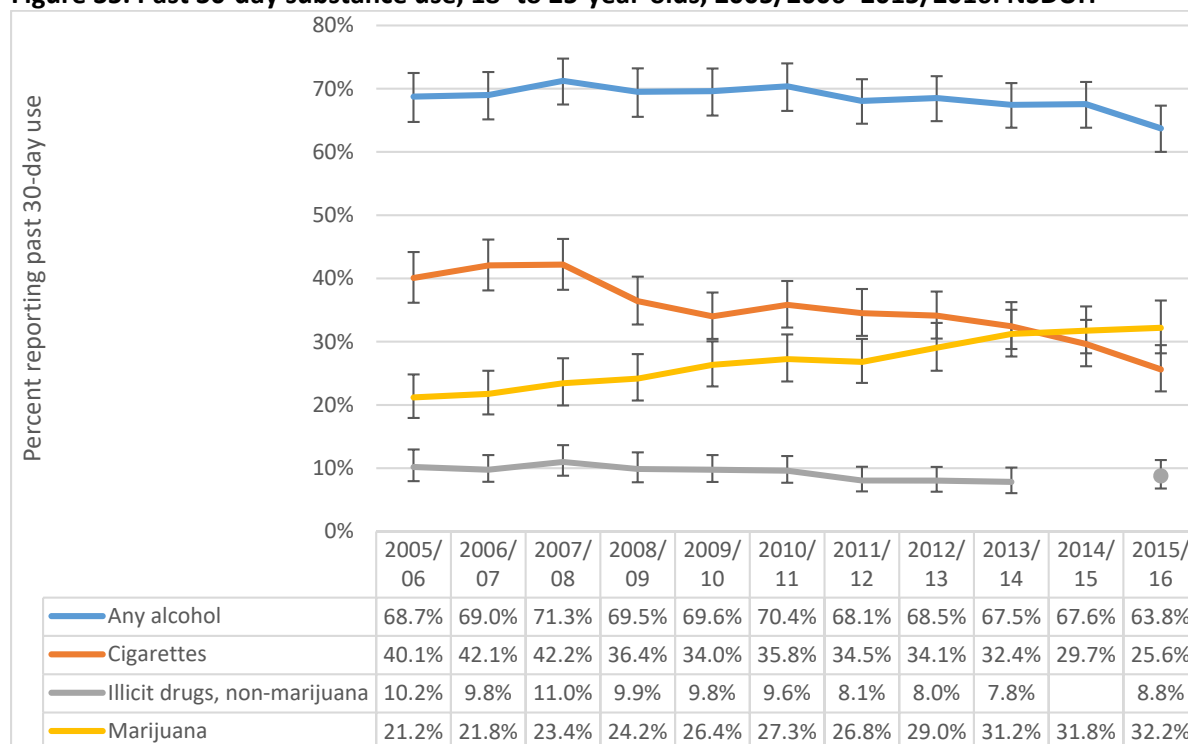
<sup>53</sup> See the Substance Abuse and Mental Health Services Administration, 2015-2016 National Survey on Drug Use and Health: P-value Tables for a detailed statistical comparison of states, at <https://www.samhsa.gov/data/report/p-value-tables-0>

**Figure 34. Past 30-day marijuana use, 18- to 25-year-olds, by state, 2015/2016**



Source: Substance Abuse and Mental Health Services Administration (2018), National Survey on Drug Use and Health, 2015-16 National Survey on Drug Use and Health National Maps of Prevalence Estimates, by State. See <https://www.samhsa.gov/data/sites/default/files/NSDUHsaeMaps2016/NSDUHsaeMaps2016.pdf>



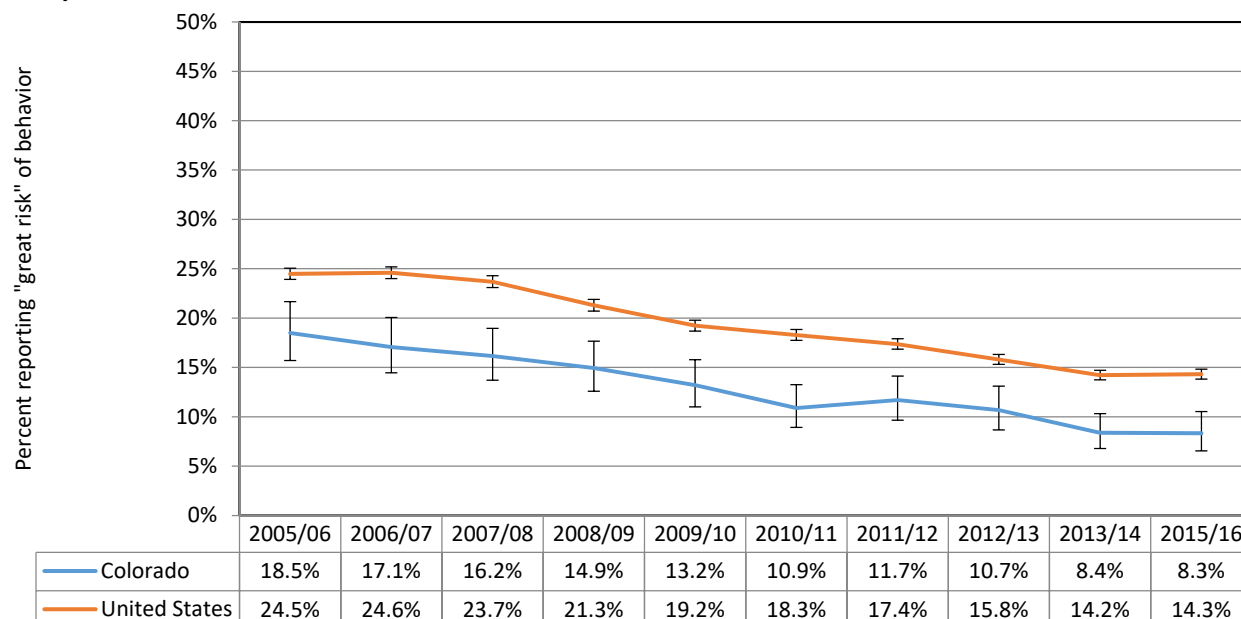
**Figure 35. Past 30-day substance use, 18- to 25-year-olds, 2005/2006–2015/2016: NSDUH**

Source: Substance Abuse and Mental Health Services Administration, *National Survey on Drug Use and Health*, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>.

Note: NSDUH did not produce an estimate for illicit drugs other than marijuana in 2014/15.

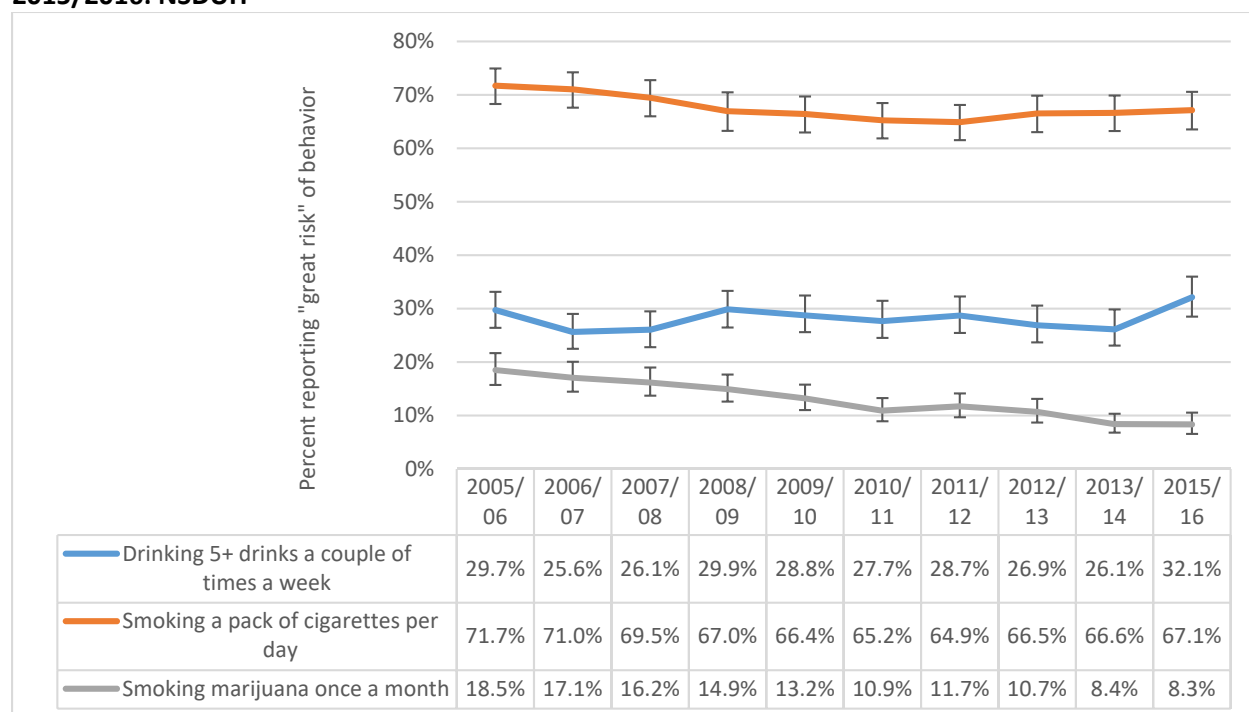
The perception of great risk from once-per-month marijuana use decreased significantly in young adults in Colorado, from 18.5% to 8.3% in the period from 2005/2006 to 2015/2016 (Figure 36). The national average also went down significantly, from 24.5% to 14.3%. The perception of risk among Colorado residents has been lower than the national average and both have decreased over time. The gap between the nation's perception of risk and Colorado's has remained relatively stable at between 5% and 6%. The perception of great risk for smoking a pack of cigarettes a day or regular binge drinking has remained generally stable, and higher than the risk perception of once-per-month marijuana use (Figure 37).

**Figure 36. Perception of great risk for using marijuana once a month, 18- to 25-year-olds, 2005/2006–2015/2016: NSDUH**



Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>

**Figure 37. Perception of great risk for using various substances, 18- to 25-year-olds, 2005/2006–2015/2016: NSDUH**

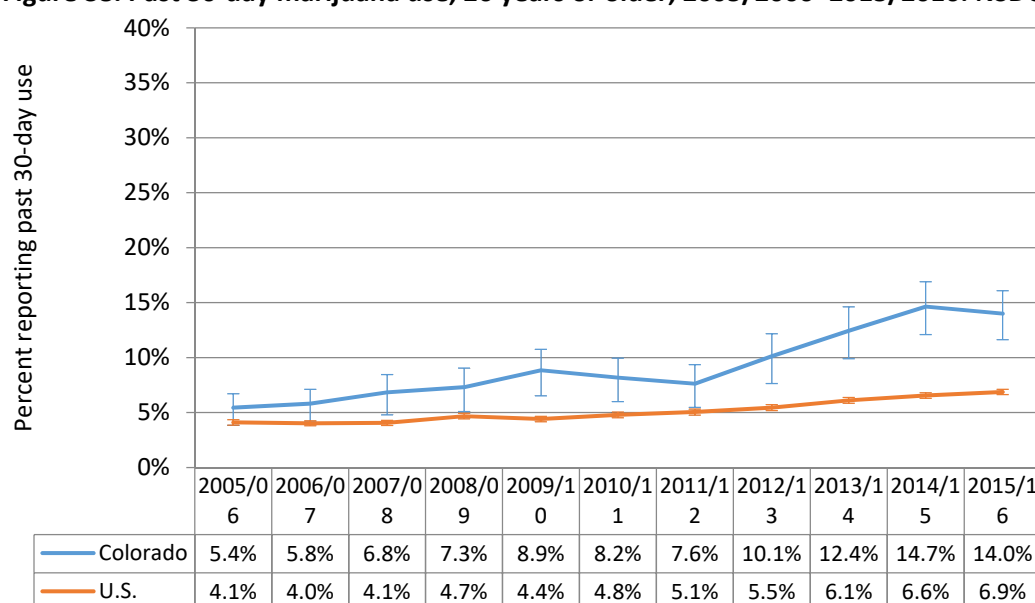


Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>.

### Adult Trends (26 Years or Older)

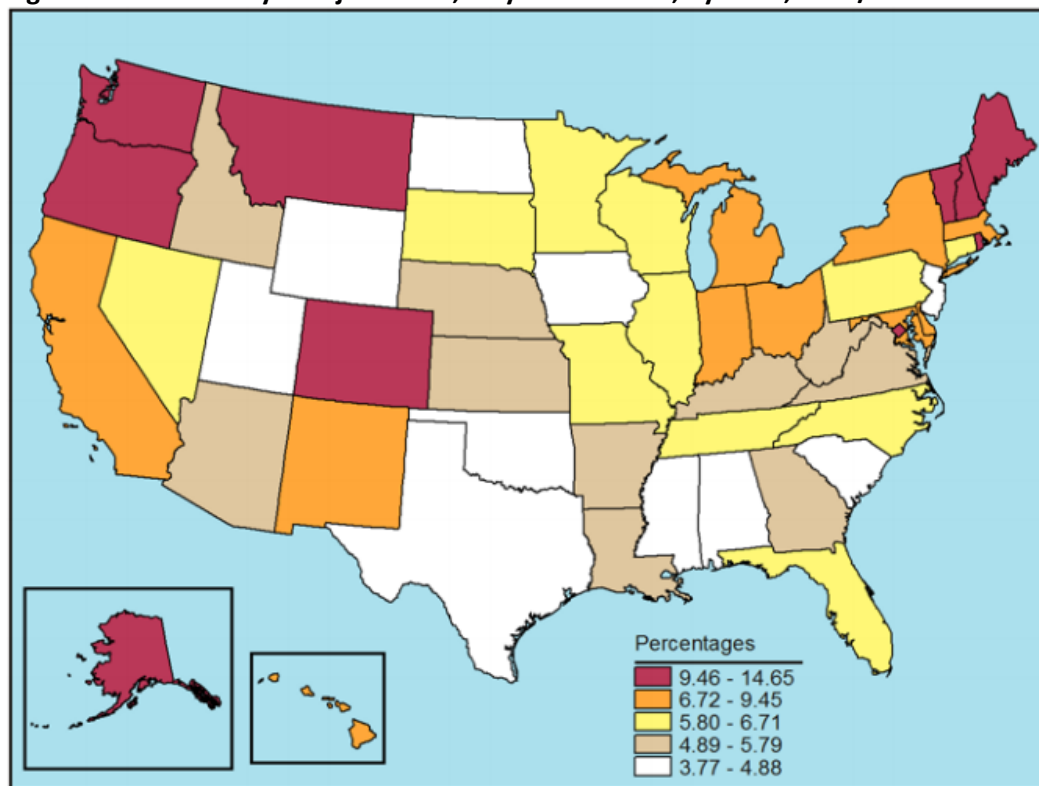
Reported past 30-day marijuana use by adults in Colorado increased considerably from 5.4% in 2005/2006 to 14.0% in 2015/2016 (Figure 38). The prevalence of past 30-day marijuana use in 2015/2016 was significantly higher than past 30-day use from 2005/06 to 2012/13, but has not changed since 2014/2015. When compared to national figures on past 30-day marijuana use, Colorado showed a consistently higher prevalence of recent marijuana use. Adult use also increased significantly at the national level, but the gap between the two rates widened from about a 1% difference in 2005/2006 to a more than 7% difference in 2015/2016. A map comparing the past 30-day use of those 26 years and older by state can be seen in Figure 39. Colorado had a higher prevalence of past 30-day use among adults compared to most other states. The prevalence trends for alcohol, cigarette, and other illicit drug use showed no appreciable changes over this same period (Figure 40). The prevalence of past 30-day marijuana use (14.0%) was significantly lower than alcohol use (62.1%) or cigarette use (19.8%).

**Figure 38. Past 30-day marijuana use, 26 years or older, 2005/2006–2015/2016: NSDUH**



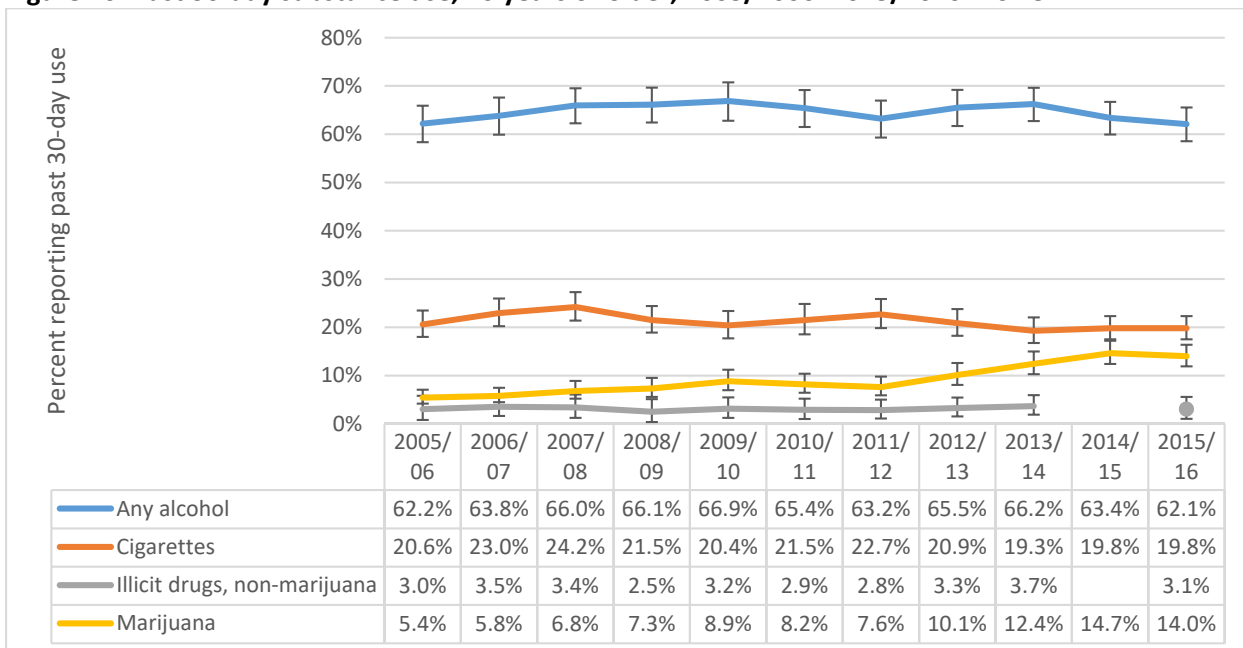
Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>

**Figure 39. Past 30-day marijuana use, 26 years or older, by state, 2015/2016: NSDUH**



Source: Substance Abuse and Mental Health Services Administration (2018), National Survey on Drug Use and Health, 2015-16 National Survey on Drug Use and Health National Maps of Prevalence Estimates, by State. See <https://www.samhsa.gov/data/sites/default/files/NSDUHsaeMaps2016/NSDUHsaeMaps2016.pdf>

**Figure 40. Past 30-day substance use, 26 years or older, 2005/2006–2015/2016: NSDUH**

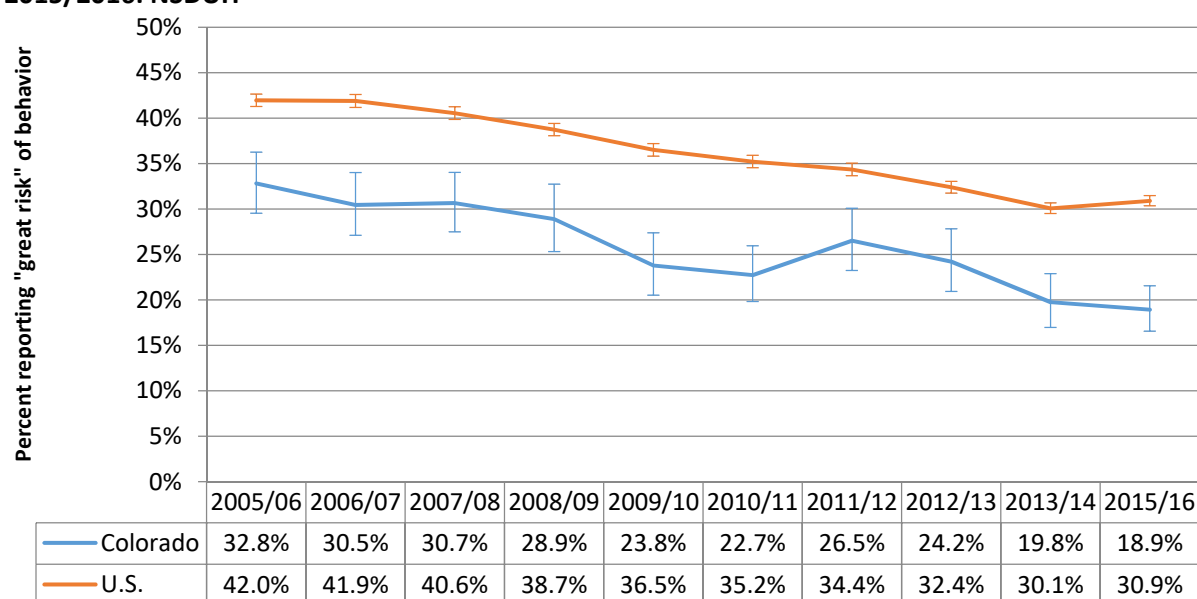


Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>

Note: NSDUH did not produce an estimate for illicit drugs other than marijuana in 2014/15.

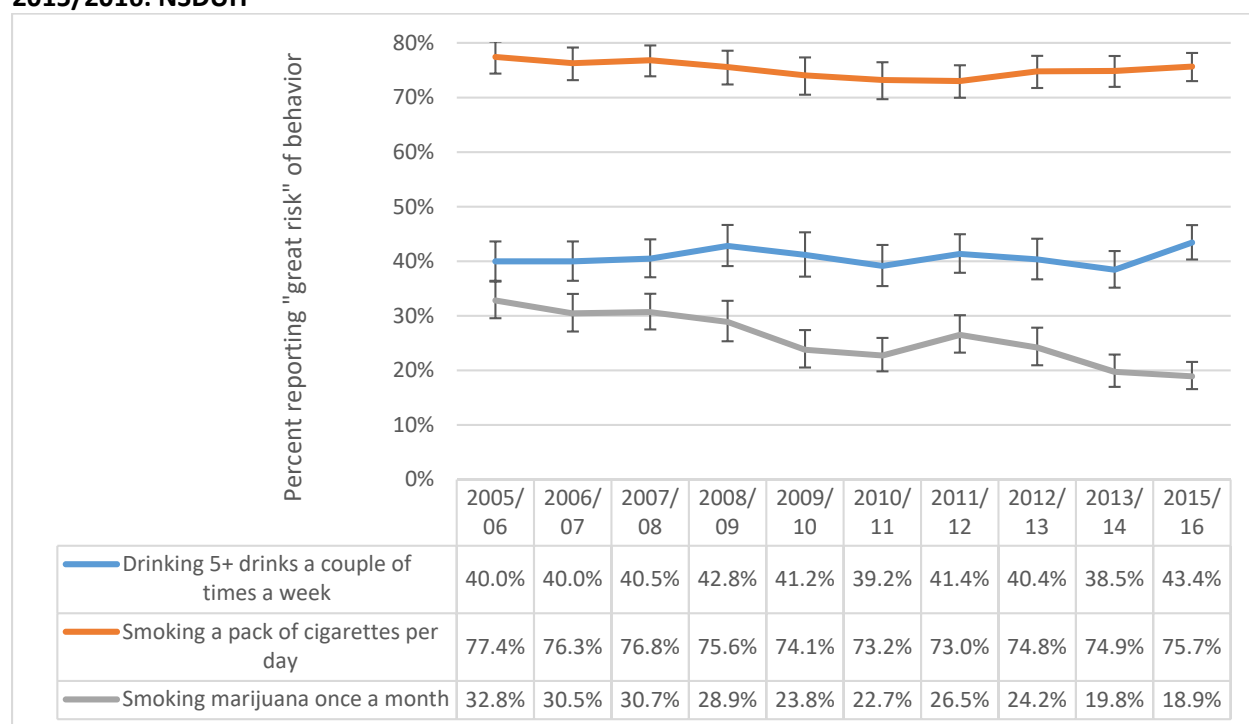
The perceived risk by adults from using marijuana once a month showed a significant decrease in Colorado, from 32.8% in 2005/2006 to 18.9% in 2015/2016 (Figure 41). The perception of great risk at the national level also decreased significantly, from 42.0% in 2005/2006 to 30.9% in 2015/2016. The gap between the nation's perception of risk and Colorado's has remained relatively stable over time. The perception of great risk for smoking a pack of cigarettes a day or regular binge drinking remained stable (Figure 42).

**Figure 41. Perception of great risk for using marijuana once a month, 26 years or older, 2005/2006–2015/2016: NSDUH**



Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>.

**Figure 42. Perception of great risk for using various substances, 26 years or older, 2005/2006–2015/2016: NSDUH**

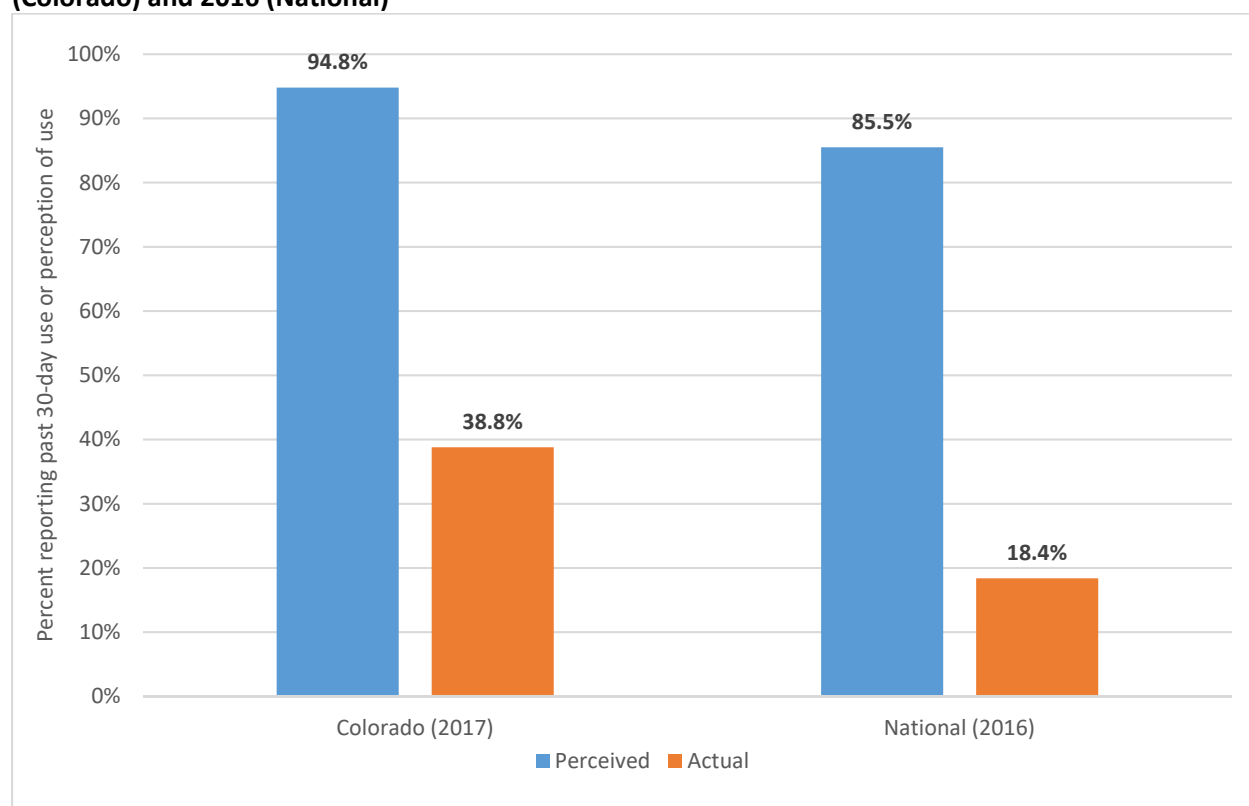


Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>

### National College Health Assessment

The National College Health Assessment is an annual survey of universities and colleges that aims to collect data on physical and mental health, behavioral risk factors, sexual behavior, and drug use. Figure 43 presents reported 30-day marijuana use by Colorado college students compared to their perception of use by other students. While 94.8% of college students believed other students were current marijuana users, only 38.8% reported use in the past 30 days. The perception of use was comparable to the national figure of 85.5% but current use by Colorado college students was more than 20% higher than the national average.

**Figure 43. Reported past 30-day marijuana use compared to perceived use by college students, 2017 (Colorado) and 2016 (National)**



Source: Coalition of Colorado Campus Alcohol and Drug Educators (2017), National College Health Assessment survey.

## Hospitalizations and Emergency Department Visits

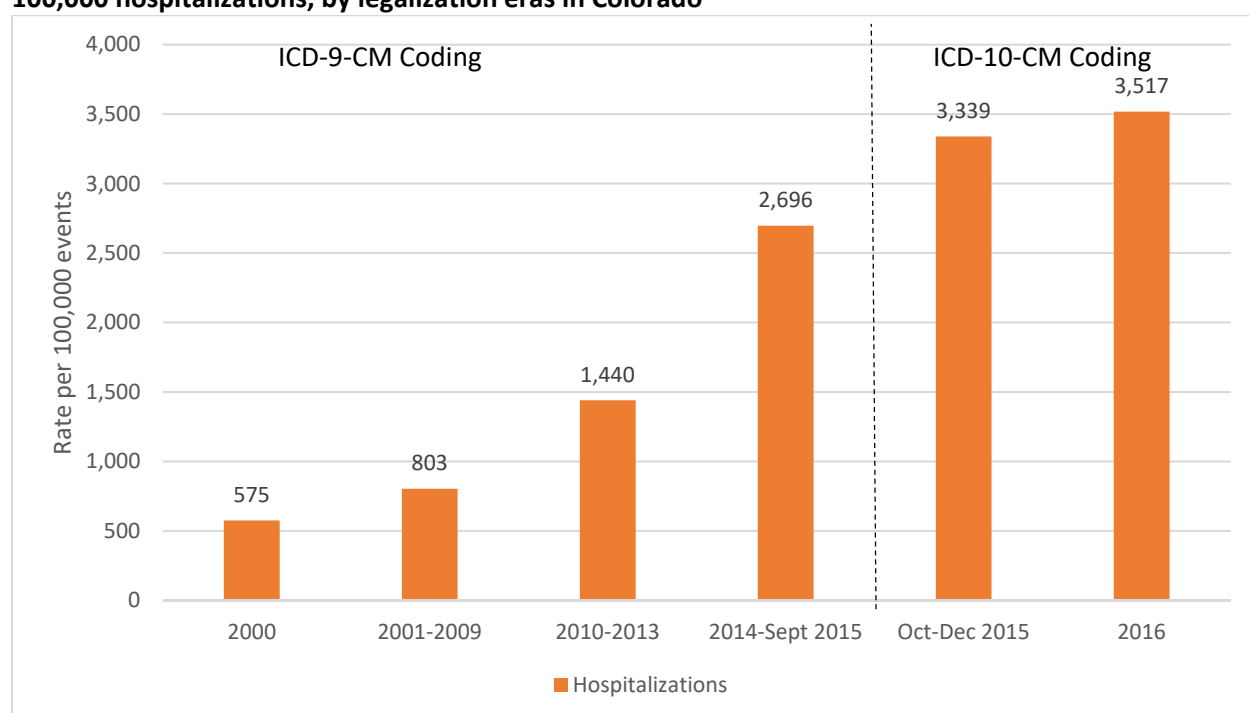
CDPHE analyzed data provided by the Colorado Hospital Association (CHA) and categorized hospitalizations and emergency department visits for possibly marijuana involvement. The International Classification of Diseases, Clinical Modification, Volume 9 (ICD-9-CM) discharge diagnosis codes were used to determine possible marijuana involvement from January 2000-September 2015. The revised International Classification of Diseases, Clinical Modification, Volume 10 (ICD-10-CM) discharge diagnosis coding system was used from October 2015-December 2016. Due to changes in coding systems, variable structures, and policies at CHA, the marijuana numbers for 2016 are considered by CDPHE to be preliminary. CDPHE is exercising caution in the interpretation of these data during this coding transition. Final interpretations of results were not expected until October 2018, at which time they will be made publicly available on CDPHE's website. Use of these codes does not mean that the encounter was motivated by marijuana exposure, but simply that it was a possibility.

The four ICD-9-CM codes used are: 305.2-Marijuana (Cannabis Abuse); 304.3-Marijuana (Cannabis Dependence); 969.6-Poisoning by psychodysleptics (hallucinogens); and E854.1-Accidental poisoning by psychodysleptics (hallucinogens). For the purposes of 969.6 and E854.1, hallucinogens can include cannabis, LSD, mescaline, and psilocybin (mushrooms). There are 53 separate codes for cannabis events

in the ICD-10-CM coding system. All ICD-10-CM codes are specific to cannabis and include cannabis poisonings, use, abuse, and dependence. Inclusion of at least one marijuana related ICD-9/10-CM code in the up to 30 listed discharge diagnosis codes qualified the encounter as a possible marijuana exposure, diagnosis, or simply a billing code.

The findings presented in Figure 44 reflect four different eras of legalization in Colorado. In 2000 (prior to medical legalization), the rate was 575 hospitalizations with possible marijuana indications per 100,000 hospitalizations. This increased significantly during the era when medical marijuana was legalized but not commercialized (2001–2009), rising to 803 such hospitalizations per 100,000. The era of medical marijuana commercialization (2010–2013) reflected another significant jump, to 1,440 per 100,000 hospitalizations. The era of retail commercialization (2014–September 2015) again showed another significant increase, to 2,696 possible marijuana-related hospitalizations per 100,000.<sup>54</sup> The period from October 2015–December 2015 indicated another increase, but caution should be used in interpreting these results due to the changes in coding schemes.

**Figure 44. Rates of hospitalizations with possible marijuana exposures, diagnoses, or billing codes per 100,000 hospitalizations, by legalization eras in Colorado**



Source: Data provided by Colorado Hospital Association with analysis provided by Colorado Department of Public Health and Environment, Marijuana Health Monitoring Program.

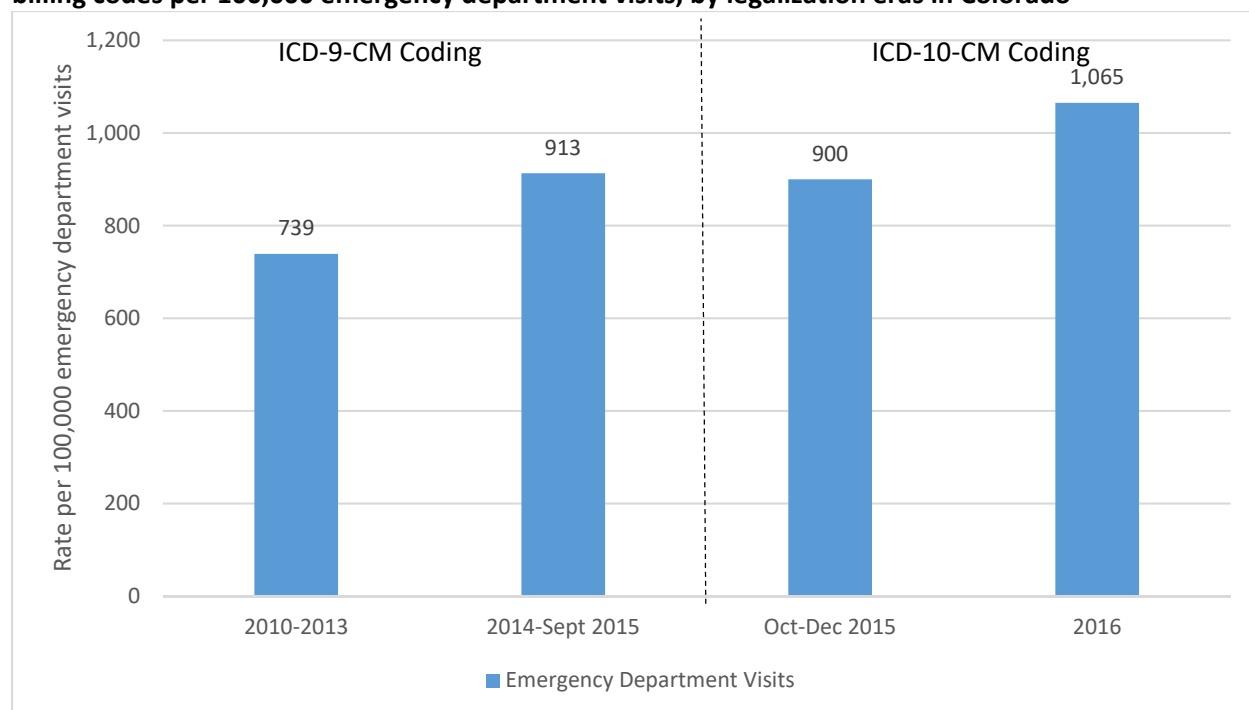
Notes: (1) An individual can be represented more than once in the data; therefore, the rate is hospitalizations with marijuana codes per 100,000 total hospitalizations. (2) The period from October 2015 onward should be interpreted with caution due to the changes in coding schemes.

<sup>54</sup> Updated data for emergency department visits and hospitalizations will be released after publication of this report, along with the comprehensive update of the *Monitoring Health Concerns Related to Marijuana in Colorado* report. See <https://www.colorado.gov/pacific/cdphe/marijuana-health-report> for additional information and updates.



The data on Emergency Department (ED) visits are limited due to changes in reporting methods from the period prior to 2010 (Figure 45). The period of retail commercialization showed a significant increase in ED visits with possible marijuana indications, from 739 per 100,000 (2010–2013) to 913 per 100,000 ED visits (2014–September 2015). The period from October 2015 onward should be interpreted with caution due to the changes in coding schemes.

**Figure 45. Rates of emergency department visits with possible marijuana exposures, diagnoses, or billing codes per 100,000 emergency department visits, by legalization eras in Colorado**



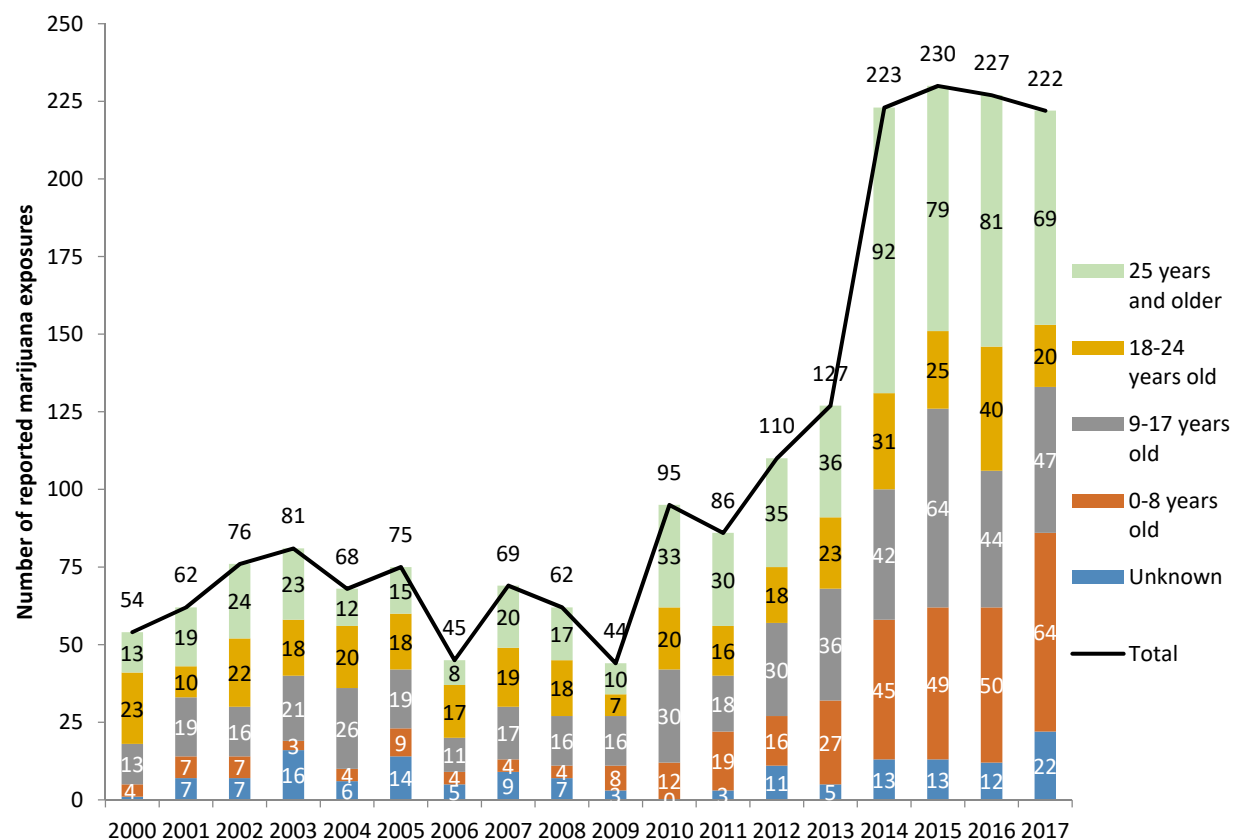
Source: Data provided by Colorado Hospital Association with analysis provided by Colorado Department of Public Health and Environment, Marijuana Health Monitoring Program.

Notes: (1) An individual can be represented more than once in the data; therefore, the rate is emergency department visits with marijuana codes per 100,000 total emergency department visits. (2) The period from October 2015 onward should be interpreted with caution due to the changes in coding schemes.

## Poison Control

The Rocky Mountain Poison and Drug Center (RMPDC) provided data on marijuana exposures to CDPHE for analysis. The number of human exposures reported to poison control mentioning marijuana increased immediately after the legalization of recreational marijuana (Figure 46), with 110 calls in 2012 and 223 in 2014. These increases stabilized during 2014-2017. The initial increases occurred across all age groups, with the biggest jumps occurring in the 8-year-old and younger age group (16 in 2012 to 64 in 2017), and the 25 and older group (35 in 2012 to 69 in 2017). The total increases were most notable in two years: 2010 (+51 from 2009) and 2014 (+98 from 2013). However, from 2014 to 2017 no notable changes were seen in the overall number of exposures.

**Figure 46. Human marijuana exposures reported to Rocky Mountain Poison and Drug Center, by age group, 2000–2017**



Source: Colorado Department of Public Health & Environment (2018), at <https://www.colorado.gov/pacific/cdphe/marijuana-health-effects-poison-center-calls>

Note: Human marijuana exposures reported to RMPDC were determined by the presence of the generic code “Marijuana-0083000” from the National Poison Data System.

The RMPDC began collecting additional data about marijuana exposures in mid-2014. Table 30 presents the types of marijuana exposures by type of marijuana and age group. Notably, the percentage of edible marijuana products exposures increased from 37% (n = 84) in 2015 to 45% in 2017 (n = 100). The majority of exposures in children eight years old and younger concerned edible marijuana products, which accounted for two thirds of reported marijuana exposures in this age group.

**Table 30. Human marijuana exposures reported to Rocky Mountain Poison and Drug Center, by age group and marijuana type, 2015-2017**

| Percent of each marijuana type |               |                     |                  |                 |             |
|--------------------------------|---------------|---------------------|------------------|-----------------|-------------|
| Age group                      | Total reports | Smokeable Marijuana | Edible Marijuana | Other Marijuana | Cannabidiol |
| All ages                       |               |                     |                  |                 |             |
| 2015                           | 230           | 54.8%               | 36.5%            | 8.3%            | 0.4%        |
| 2016                           | 227           | 52.0%               | 37.4%            | 8.8%            | 1.8%        |
| 2017                           | 222           | 38.7%               | 45.0%            | 14.0%           | 2.3%        |
| 0 to 8 years old               |               |                     |                  |                 |             |
| 2015                           | 49            | 40.8%               | 51.0%            | 8.2%            | 0.0%        |
| 2016                           | 50            | 30.0%               | 62.0%            | 8.0%            | 0.0%        |
| 2017                           | 64            | 23.4%               | 65.6%            | 10.9%           | 0.0%        |
|                                |               |                     |                  |                 |             |
| 2015                           | 64            | 64.1%               | 28.1%            | 6.3%            | 1.6%        |
| 2016                           | 44            | 61.4%               | 31.8%            | 4.5%            | 2.3%        |
| 2017                           | 47            | 59.6%               | 27.7%            | 12.8%           | 0.0%        |
|                                |               |                     |                  |                 |             |
| 2015                           | 25            | 68.0%               | 28.0%            | 4.0%            | 0.0%        |
| 2016                           | 40            | 60.0%               | 30.0%            | 7.5%            | 2.5%        |
| 2017                           | 20            | 35.0%               | 20.0%            | 45.0%           | 0.0%        |
|                                |               |                     |                  |                 |             |
| 2015                           | 79            | 54.4%               | 32.9%            | 12.7%           | 0.0%        |
| 2016                           | 81            | 54.3%               | 29.6%            | 13.6%           | 2.5%        |
| 2017                           | 69            | 39.1%               | 43.5%            | 10.1%           | 7.2%        |

Source: Colorado Department of Public Health and Environment (2018), at <https://www.colorado.gov/pacific/cdphe/marijuana-health-effects-poison-center-calls>

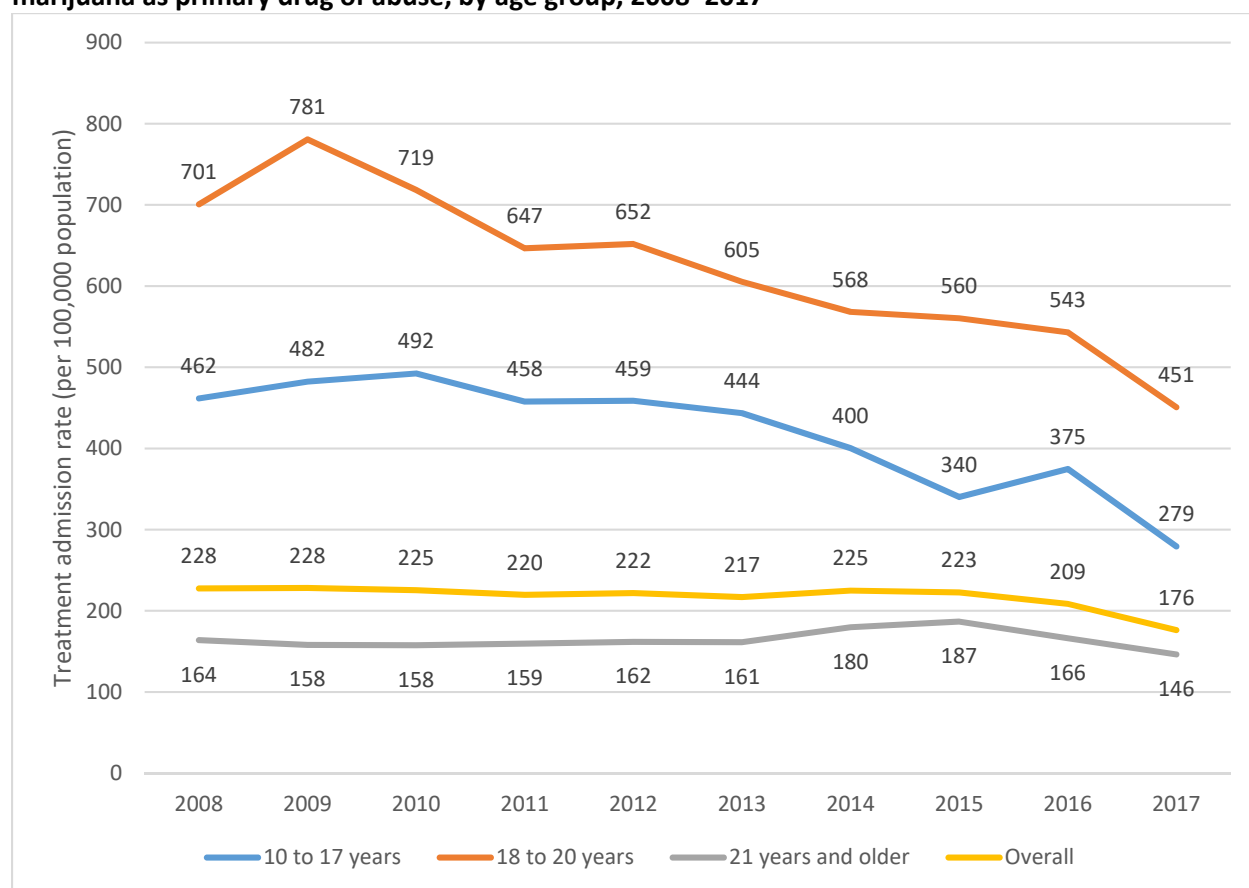
Note: The data on specific type of marijuana were not collected until July 2014, consequently the information in this table only covers the period from 2015-2017.

## Treatment Trends

The Colorado Department of Human Services, Office of Behavioral Health (OBH), is required to collect and report substance use treatment data from licensed providers as a requirement of SAMHSA (Substance Abuse and Mental Health Service Administration) funding. The data are entered into OBH's Drug/Alcohol Coordinated Data System (DACODS) and are the source of the information provided below. These data include the top three drugs of abuse, demographic characteristics, referral source, referral reason, time in treatment, client residence, and more.

Treatment admission rates (per 100,000 population) and number of admissions with marijuana as the primary drug of abuse, broken out by age, are detailed in Figures 47 and 48.<sup>55,56</sup> (For purposes of comparability across age groups, rates are presented.) The overall treatment admission rate for those reporting marijuana as the primary drug has decreased, from 222 in 2012 to 176 in 2017. The treatment admission rate decreased for those under 18, from 459 in 2012 to 279 admissions per 100,000 population in that age group in 2017 (Figure 47). The admission rate also decreased for those in the 18–20 age group, from 652 admissions per 100,000 in 2012 to 451 in 2017. Patients 21 or over initially showed a slight increase in treatment rates, but the rates then declined, from 162 per 100,000 in 2012 to 146 in 2017.

**Figure 47. Treatment admission rate (per 100,000 population in each age group) for those reporting marijuana as primary drug of abuse, by age group, 2008–2017**

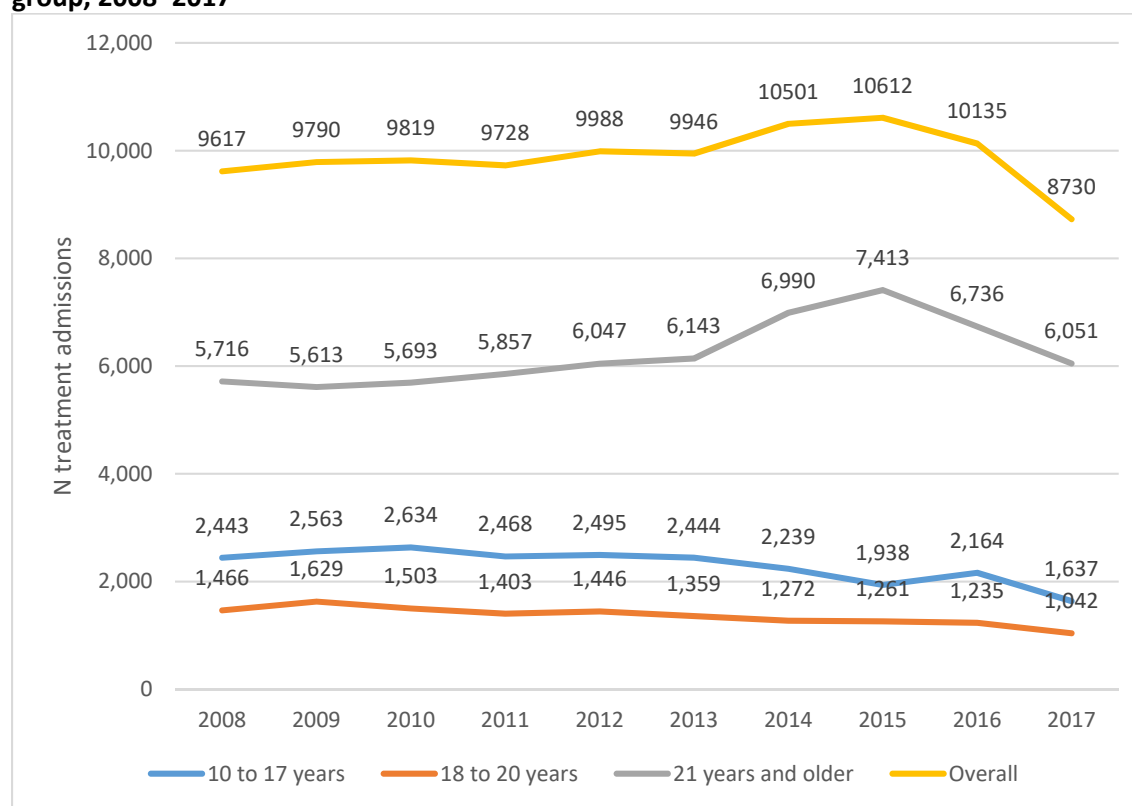


Sources: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System; Colorado Department of Local Affairs, State Office of Demography. Analyzed by the Division of Criminal Justice.

<sup>55</sup> The version of this report released in 2016 calculated treatment rates based on whether the patient reported marijuana as *any* of their top three drugs of abuse. After consultation with the Office of Behavioral Health, we changed our focus to only those patients reporting marijuana as their *primary* drug of abuse. Consequently, the rates presented in this report are lower than in the prior report.

<sup>56</sup> For the purposes of this report all types of treatment types in the ADDSCODS database are being used. This includes in-patient treatment, out-patient treatment, STIRT, withdrawal management, DUI education/services, and differential assessment. Consequently, the numbers in this report may be somewhat higher than other reports from OBH that focus solely on in-patient and out-patient treatment.

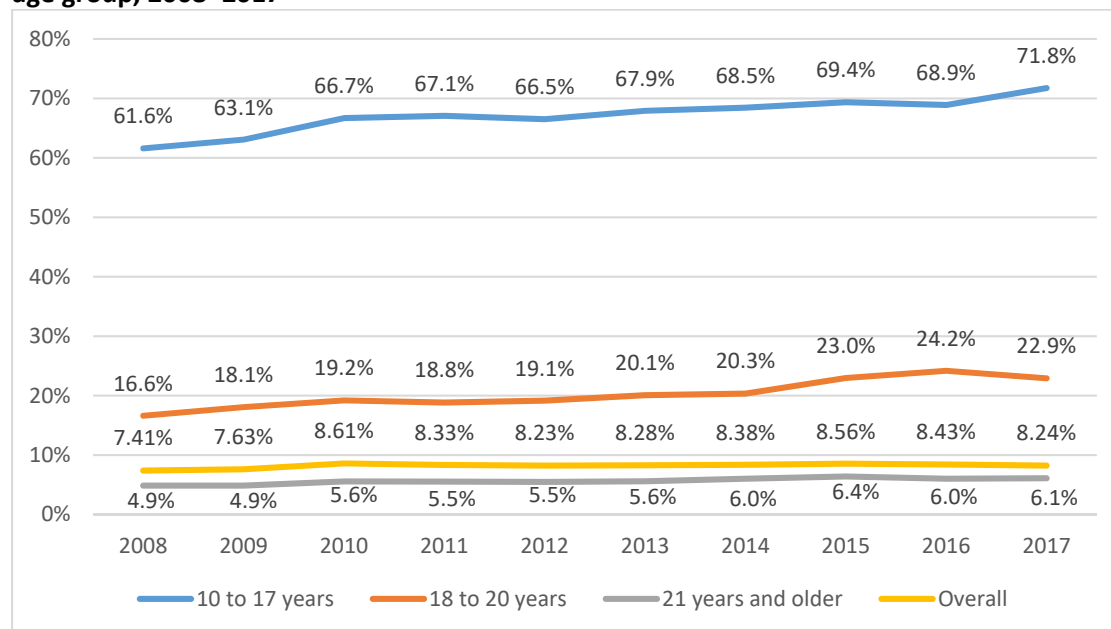
**Figure 48. Number of treatment admissions reporting marijuana as primary drug of abuse, by age group, 2008–2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

Marijuana was reported as the primary drug of abuse by 71.8% of youth under the age of 18 who were admitted for treatment in 2017 (Figure 49). This contrasts with 22.9% of 18- to 20-year-olds and 6.1% of adults 21 years or older.

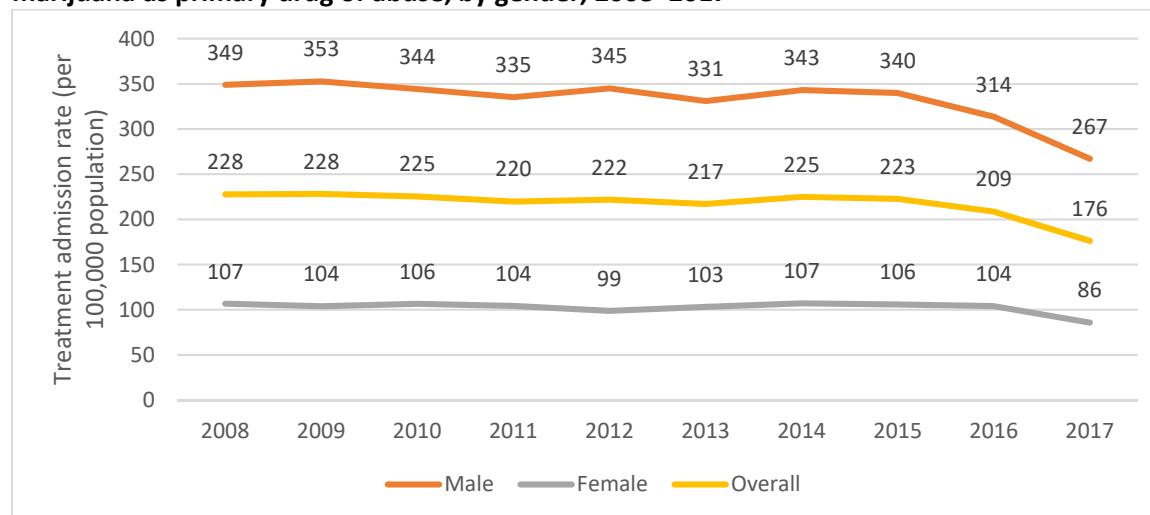
**Figure 49. Percent of treatment admissions with marijuana reported as the primary drug of abuse, by age group, 2008–2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

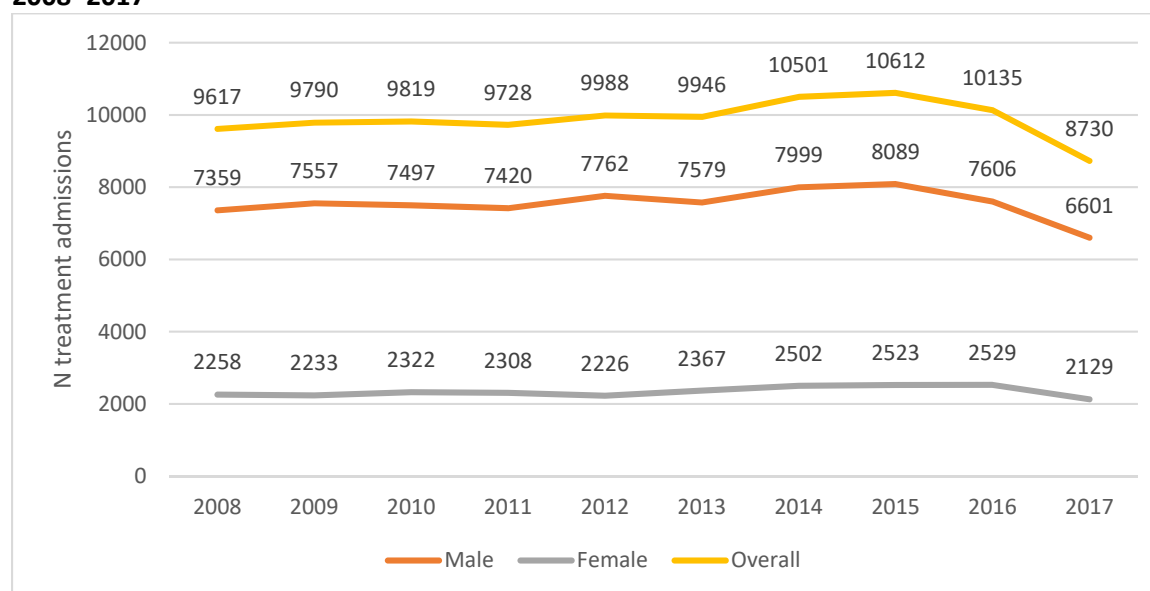
Treatment admission rates (per 100,000 population) and number of admissions with marijuana as the primary drug of abuse, broken out by gender, are detailed in Figures 50 and 51. (For purposes of comparability across gender, rates are presented.) The overall treatment admission rate for marijuana decreased between 2012 to 2017, from 222 to 176, respectively. The treatment admission rate decreased for males, from 345 in 2012 to 267 admissions per 100,000 population in 2017 (Figure 50). The admission rate also decreased for females, from 99 admissions per 100,000 in 2012 to 86 in 2017.

**Figure 50. Treatment admission rate (per 100,000 population in each age group) for those reporting marijuana as primary drug of abuse, by gender, 2008–2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

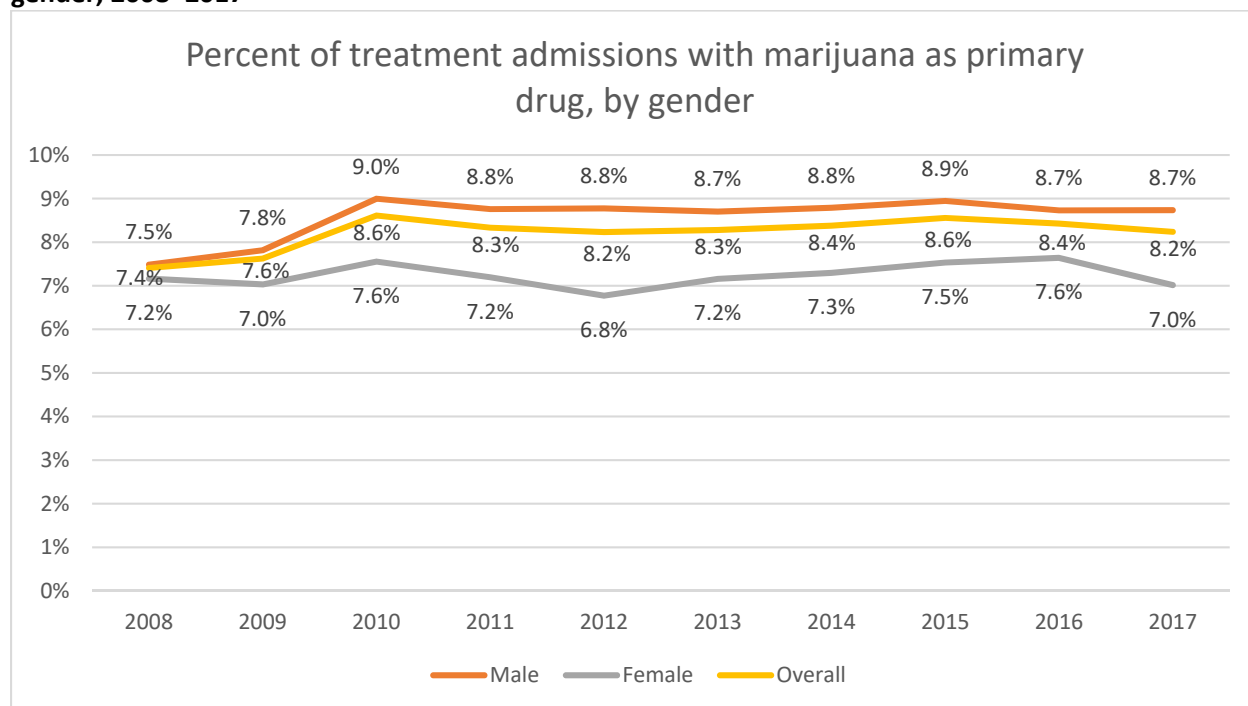
**Figure 51. Number of treatment admissions reporting marijuana as primary drug of abuse, by gender, 2008–2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

Marijuana was reported as the primary drug of abuse by 8.0% of all treatment admissions and 8.7% of males admitted for treatment in 2017 (Figure 52). This contrasts with 7.0% of females in 2017.

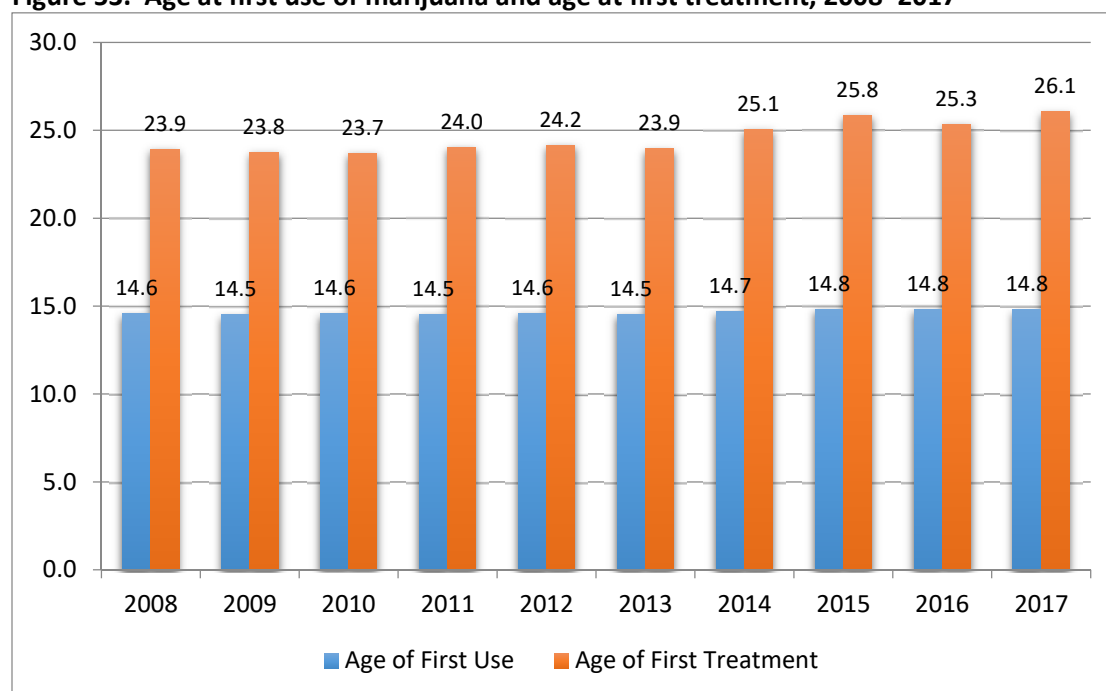
**Figure 52. Percent of treatment admissions with marijuana reported as the primary drug of abuse, by gender, 2008–2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

The average age at first use for those seeking treatment for marijuana abuse remained stable at 14.5–15.0 years (Figure 53) during the period 2008–2017. The average age at first treatment increased after 2008, from 23.9 years in 2008 to 26.1 years in 2017. The time from first usage to first treatment increased, from around 9.3 years in 2008 to 11.3 years in 2017. The reasons behind this change are unknown at this time, but OBH is tracking this development.

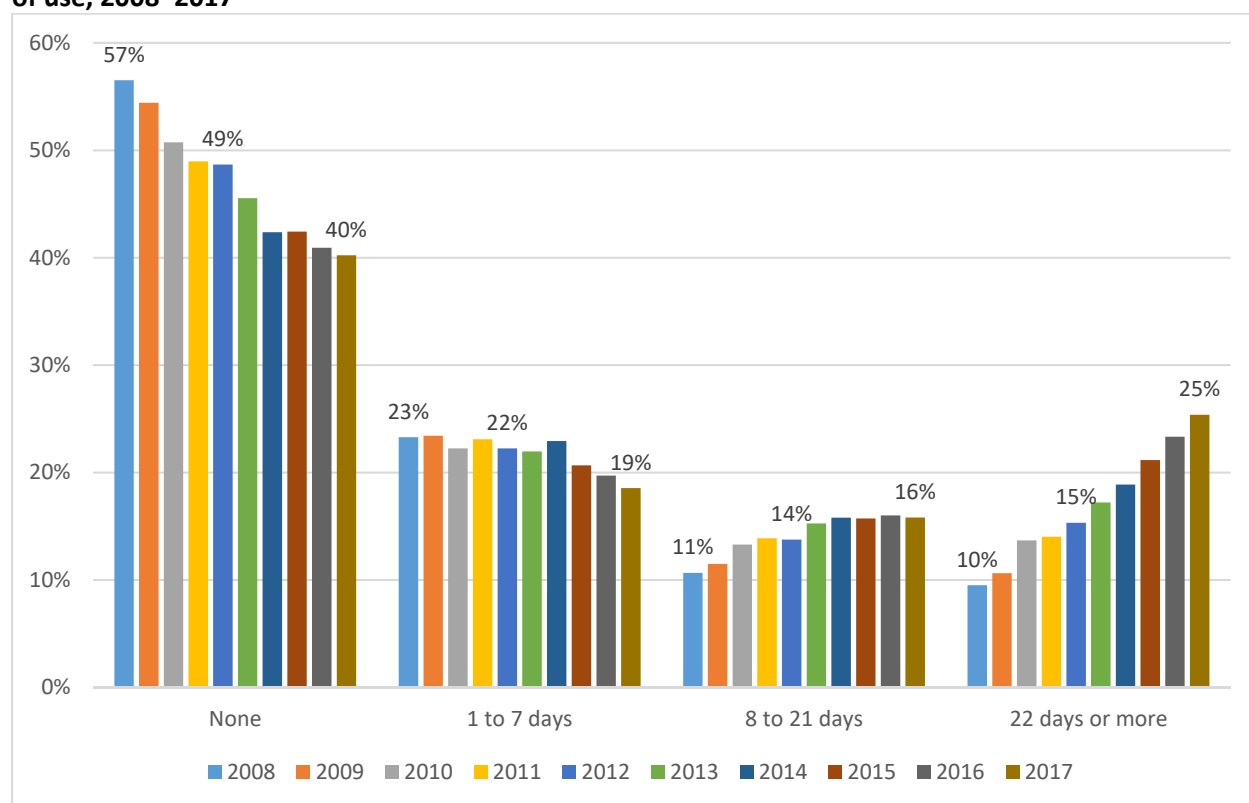


**Figure 53. Age at first use of marijuana and age at first treatment, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

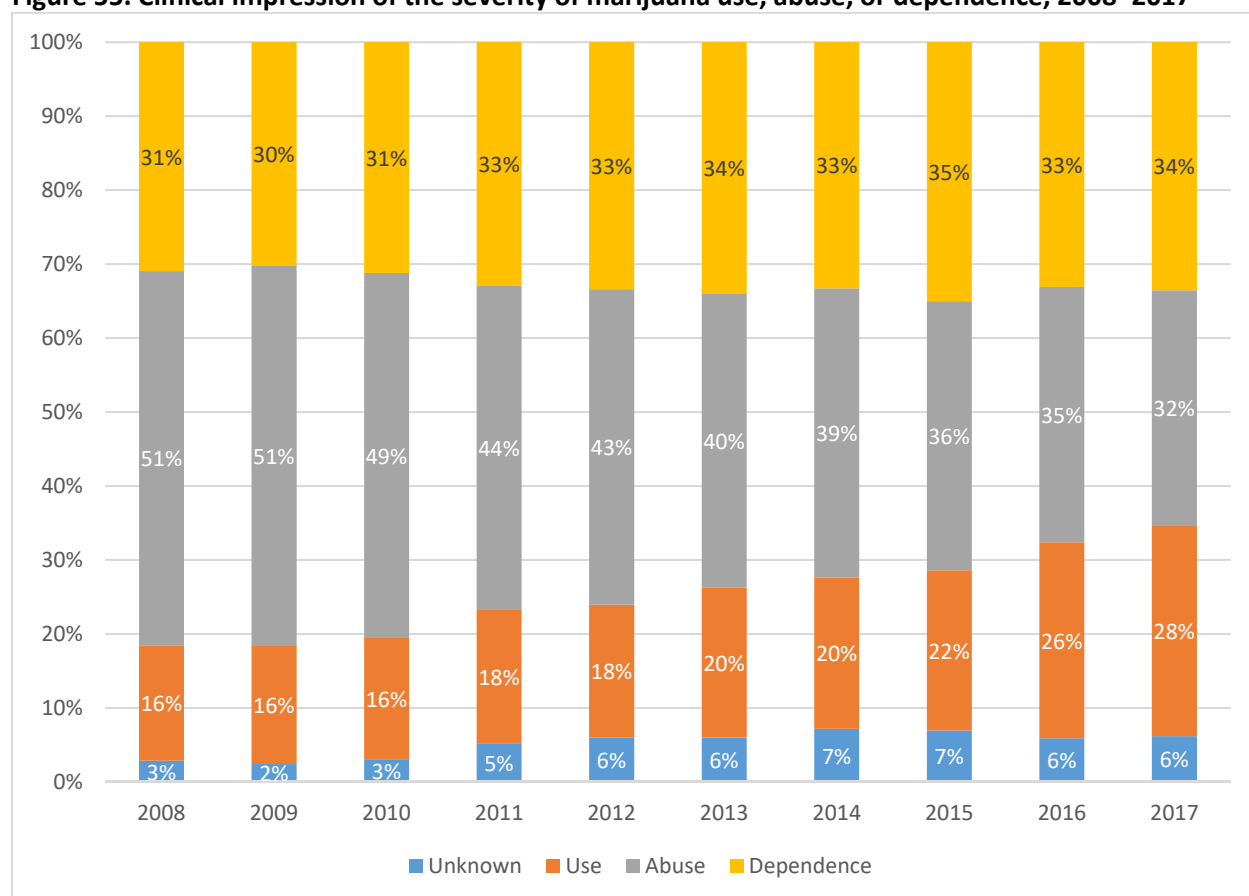
The DACODS collects information on frequency of drug use in the 30 days prior to treatment (Figure 54). In 2008, 23% of clients seeking treatment were occasional users (1–7 days of use in the past 30 days) and 10% were heavy users (22 days or more). By 2017, this distribution changed and occasional users (19%) were outnumbered by heavy users (25%), suggesting that those seeking treatment were more likely to be heavy users prior to admission. Reported methods of marijuana use have not changed over time, with the most common method of marijuana use being smoking (91.8%), followed by eatables (4.0%), and inhalation (3.6%) (data not presented).

**Figure 54. Percent of clients who reported marijuana use in past 30-days, by number of reported days of use, 2008–2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

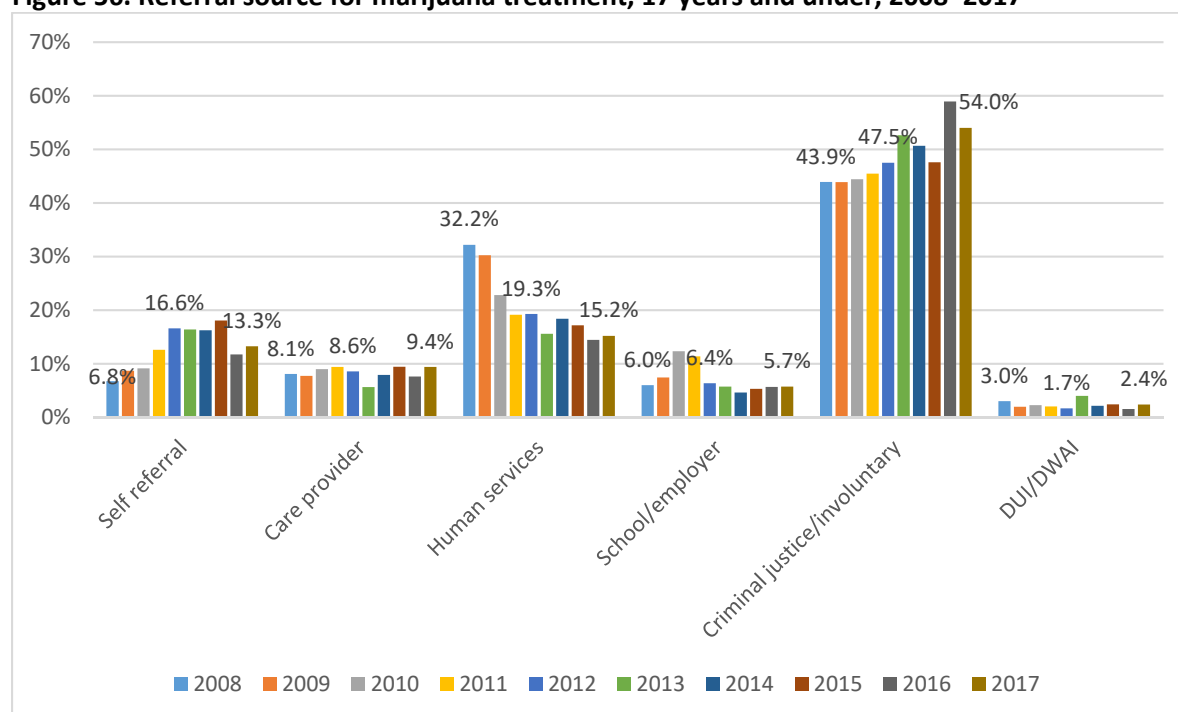
The trend in the clinical impression of the severity of marijuana use is presented in Figure 55. The proportion of patients classified as dependent on marijuana remained stable, at approximately one-third being assessed at that level. The percentage classified as exhibiting abuse decreased, from 51% in 2008 to 32% in 2017, while those classified as exhibiting use increased, from 16% in 2008 to 28% in 2017.

**Figure 55. Clinical impression of the severity of marijuana use, abuse, or dependence, 2008–2017**

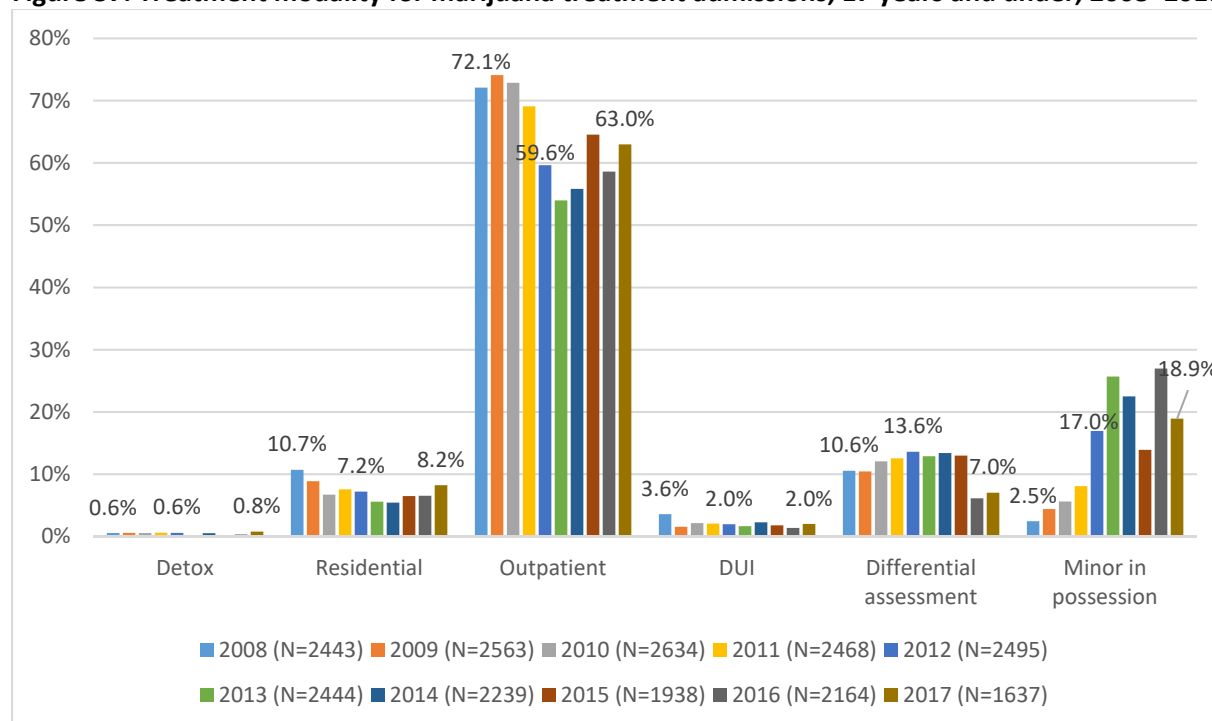
Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

Information on the referral source and admission category by age group is presented in Figures 56–61. Referrals from the criminal justice system were the most common across all age categories for the period 2008–2017 (Figures 56, 58, and 60), ranging from 54.0% of youth 17 years and under to 42.3% of young adults 18–20 years old. The second most common referral category for youth 17 years and under was human services (15.2%), while DUI/DWAI referrals was the second most common category for those 18–20 years (26.5%) and those 21 years and older (28.6%).

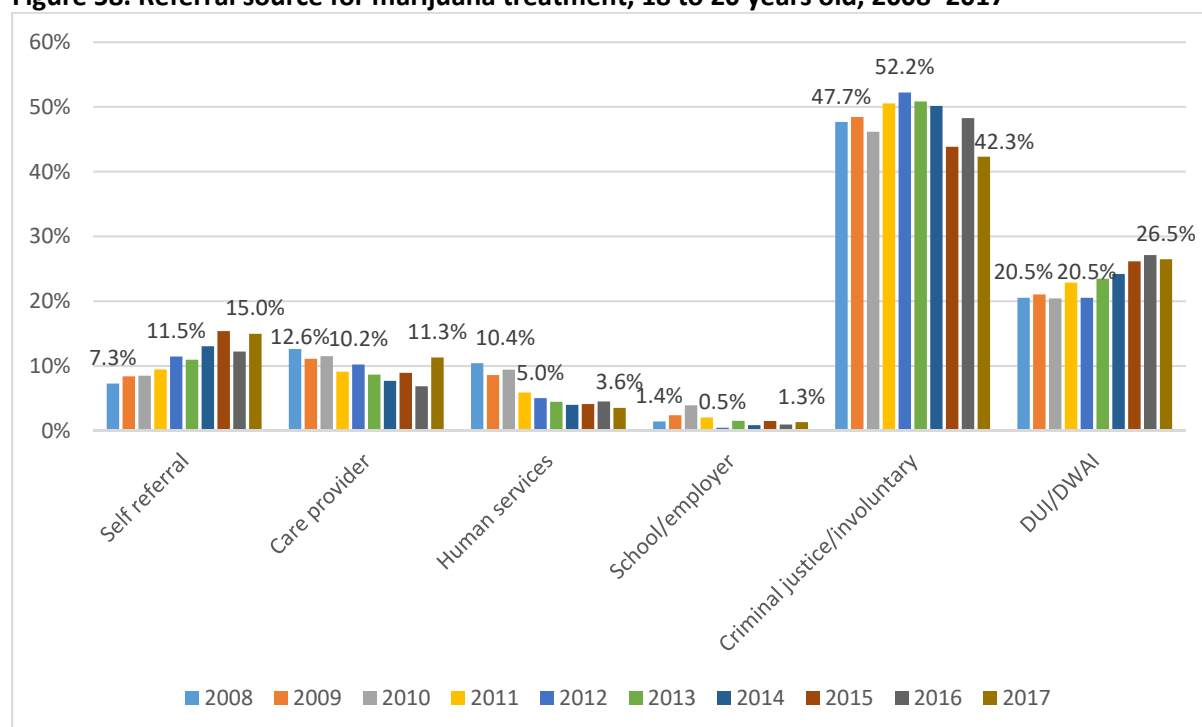
The most common admission category across all age groups was outpatient treatment (Figures 57, 59, and 61). The age group with the highest proportion of individuals seeking outpatient treatment were those ages 17 years and younger (63.0% in 2017), followed by adults 21 years and older (53.2% in 2017), and young adults 18–20 years old (44.5% in 2017).

**Figure 56. Referral source for marijuana treatment, 17 years and under, 2008–2017**

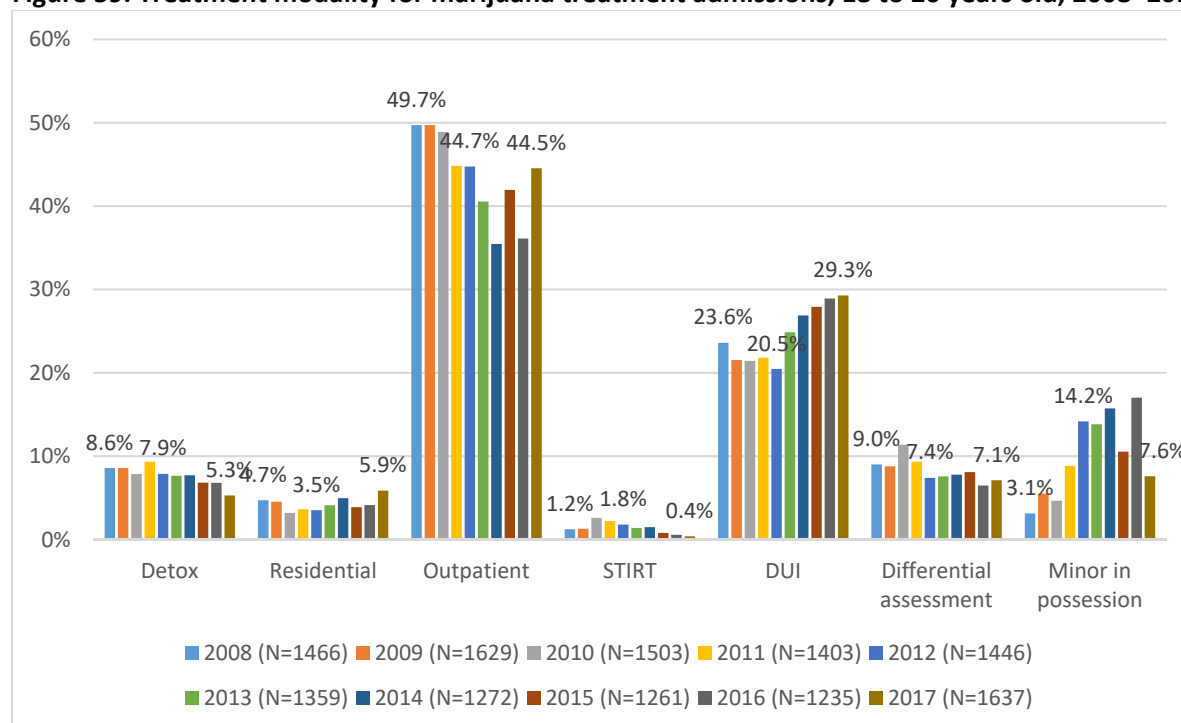
Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

**Figure 57. Treatment modality for marijuana treatment admissions, 17 years and under, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

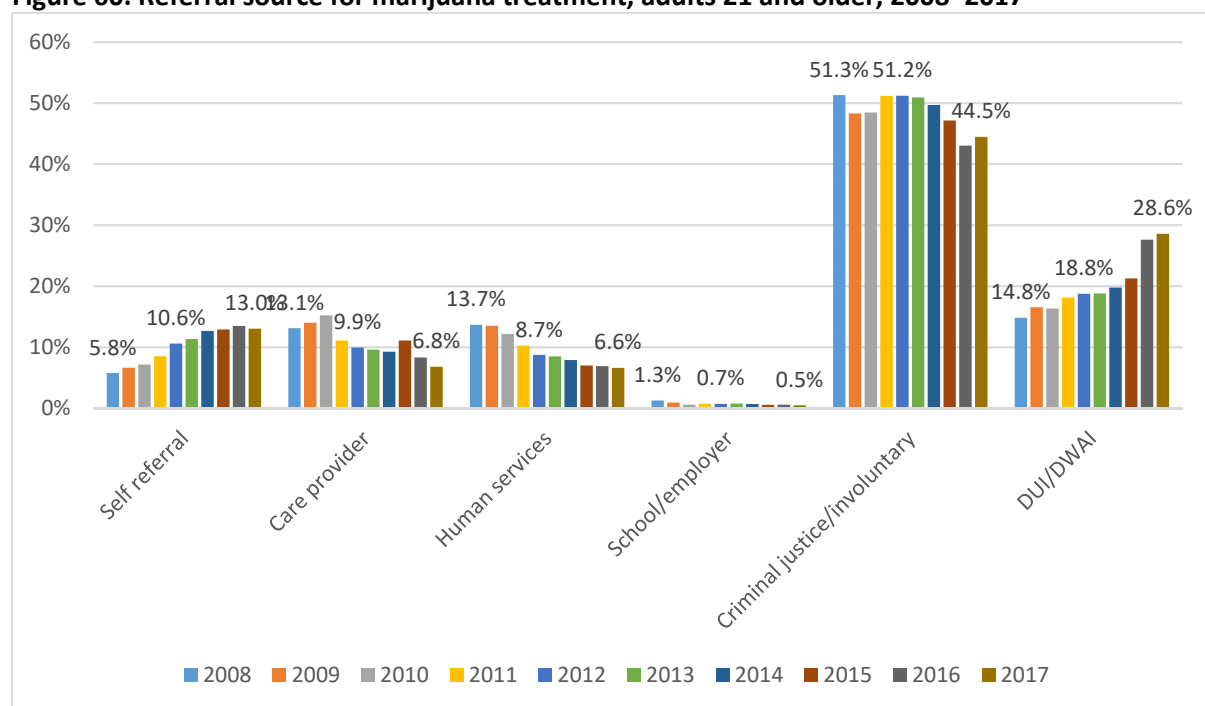
**Figure 58. Referral source for marijuana treatment, 18 to 20 years old, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

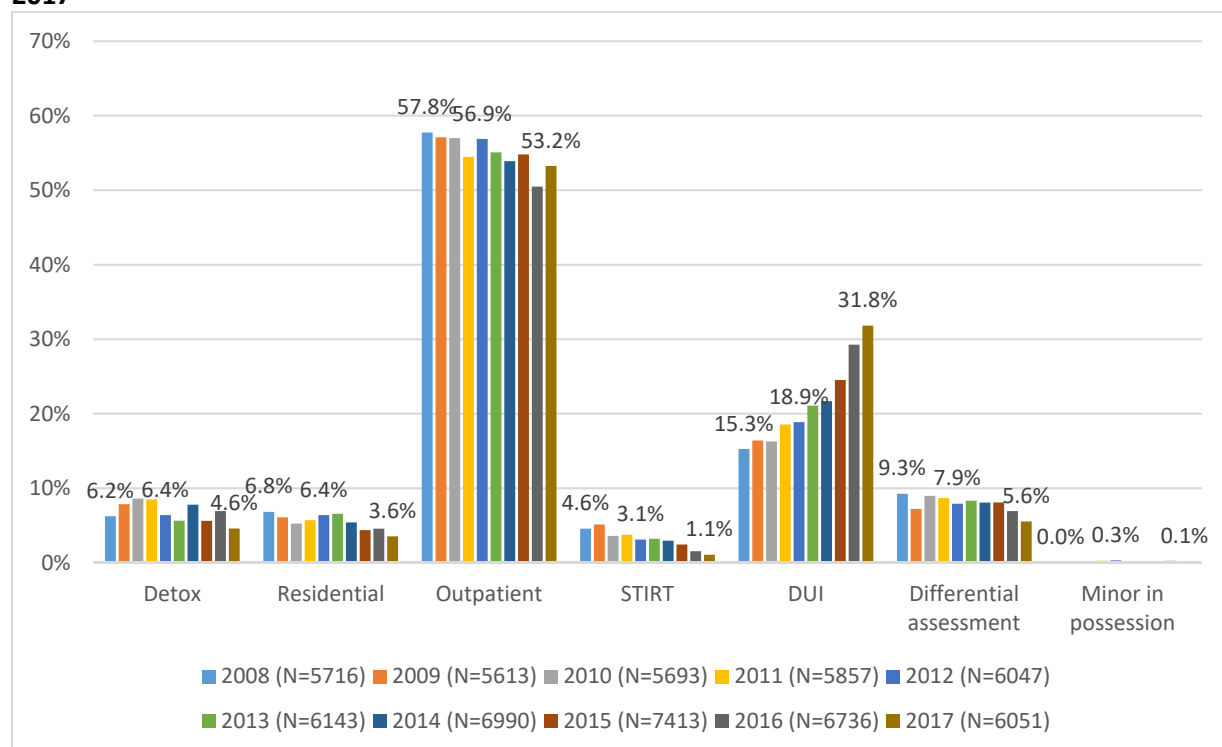
**Figure 59. Treatment modality for marijuana treatment admissions, 18 to 20 years old, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System.

Note: STIRT stands for Strategic Intensive Remediation Treatment. Analyzed by the Division of Criminal Justice.

**Figure 60. Referral source for marijuana treatment, adults 21 and older, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

**Figure 61. Treatment modality for marijuana treatment admissions, adults 21 years and older, 2008–2017**

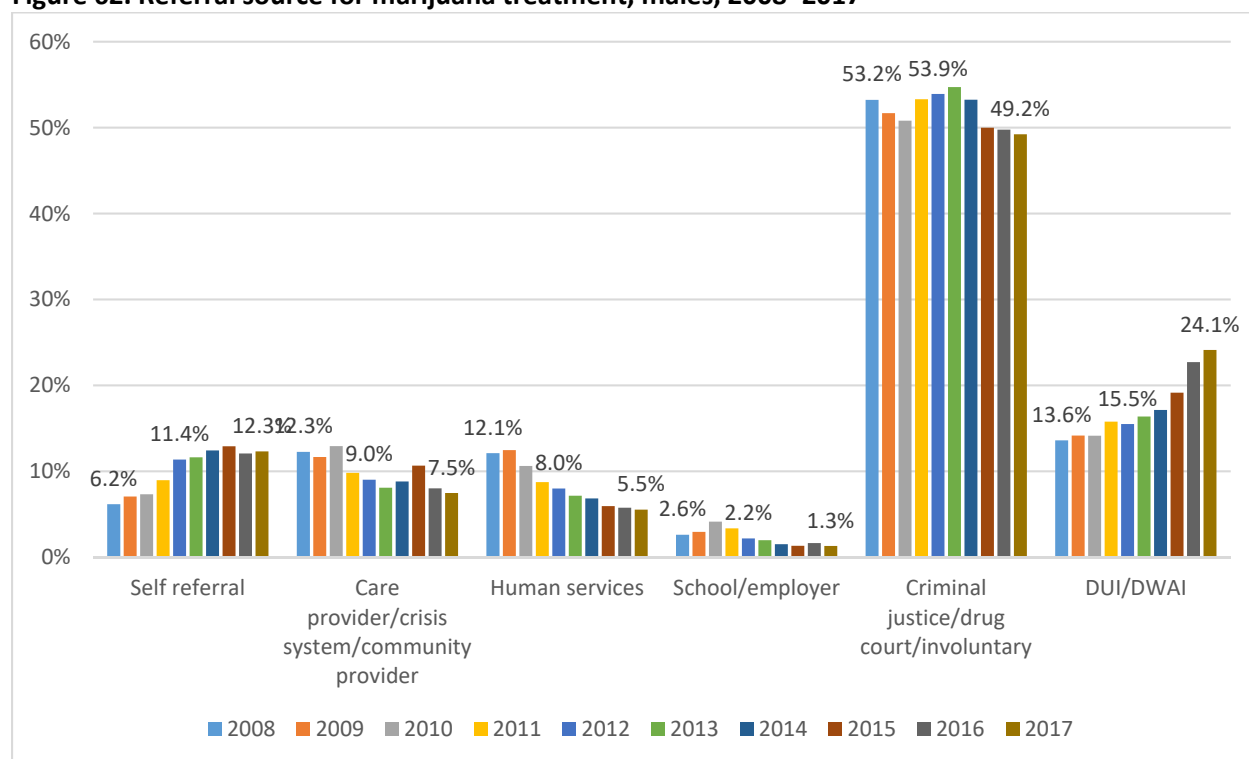
Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System.

Note: STIRT stands for Strategic Intensive Remediation Treatment. Analyzed by the Division of Criminal Justice.

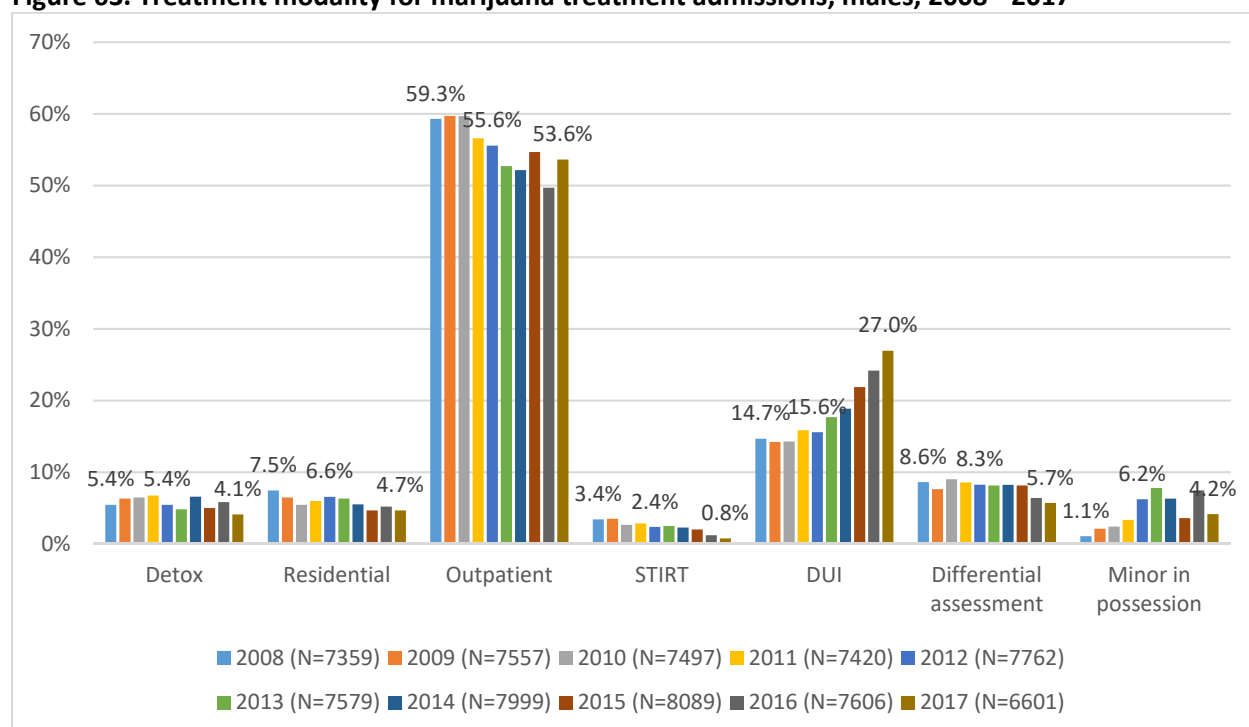
Information on the referral source and admission category by gender is presented in Figures 62-65. Referrals from the criminal justice system were the most common referral source across both genders for the period 2008–2017 (Figures 62 and 64), ranging from 49.0% of males to 36.1% of females. DUI/DWAI referrals were the second most common referral category for both males (24.1%) and females (21.3%).

The most common admission modality across both genders was outpatient treatment (Figures 63 and 65), with 53.6% of males and 55.3% of females admitted to outpatient treatment. DUI/DWAI was the second most common admission modality for both genders, with 27.0% of males and 22.8% of females admitted for DUI/DWAI.

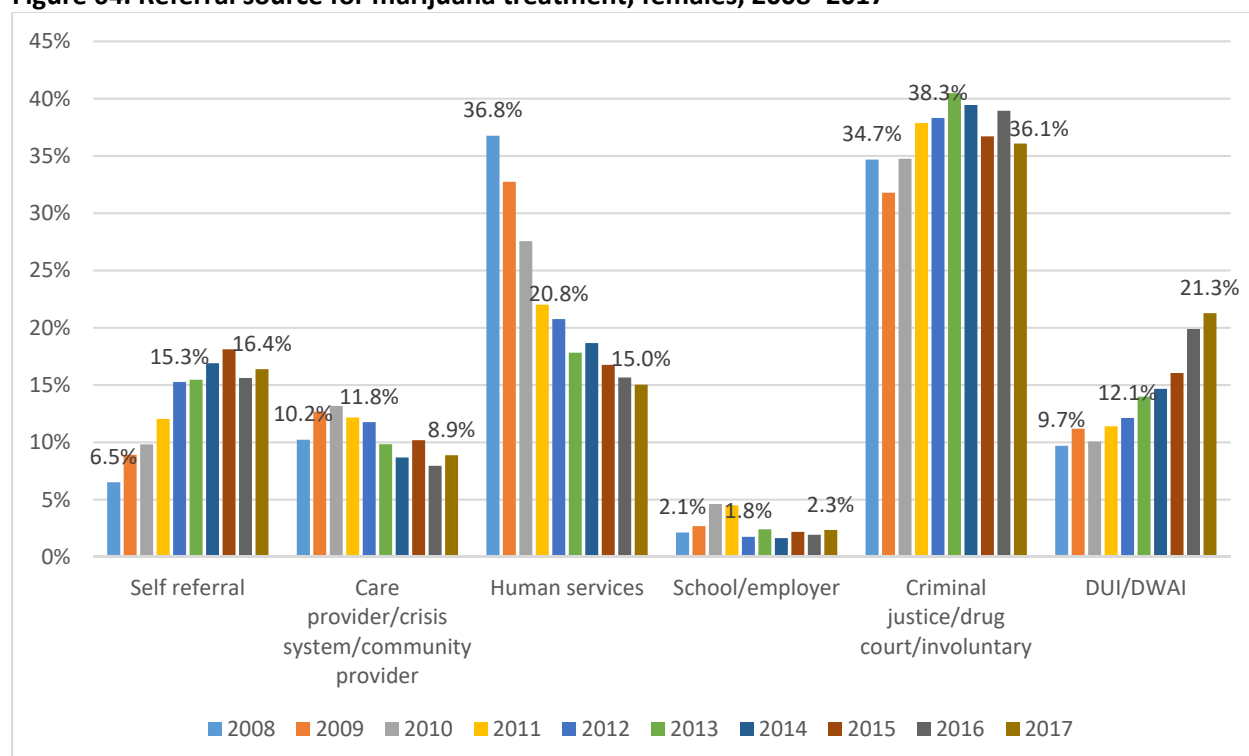
**Figure 62. Referral source for marijuana treatment, males, 2008–2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

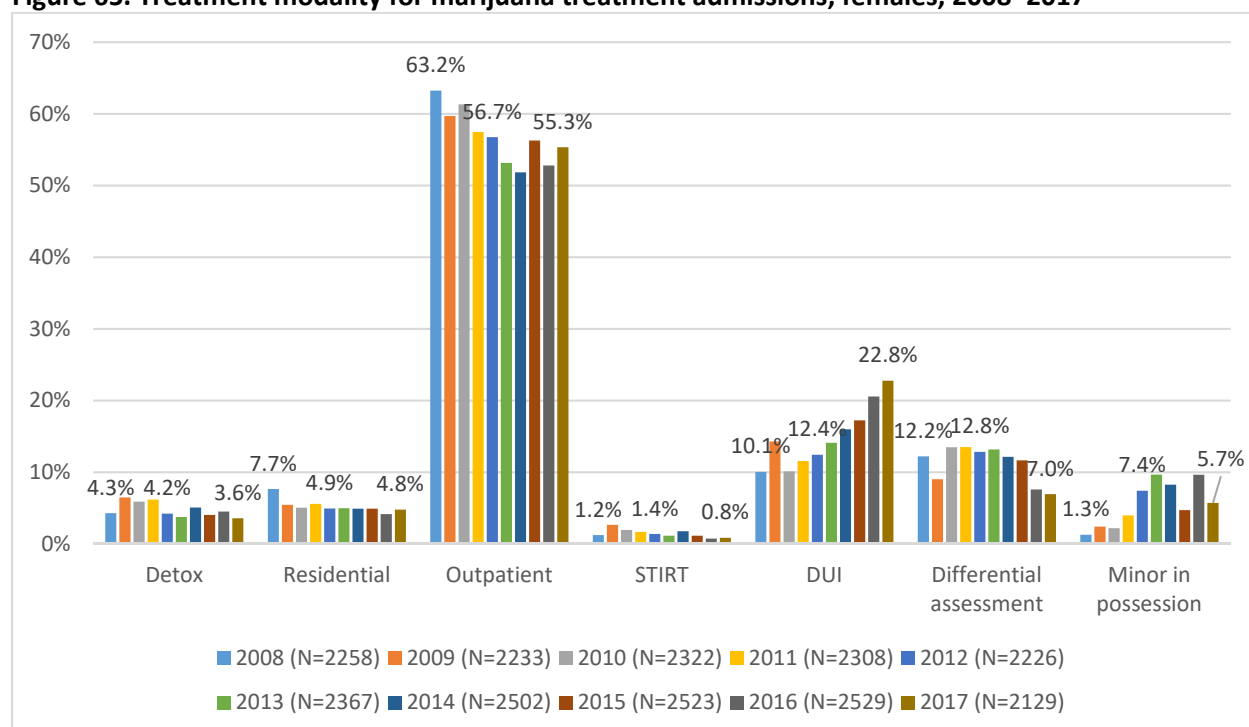
**Figure 63. Treatment modality for marijuana treatment admissions, males, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice. Note: STIRT is Strategic Intensive Remediation Treatment.

**Figure 64. Referral source for marijuana treatment, females, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

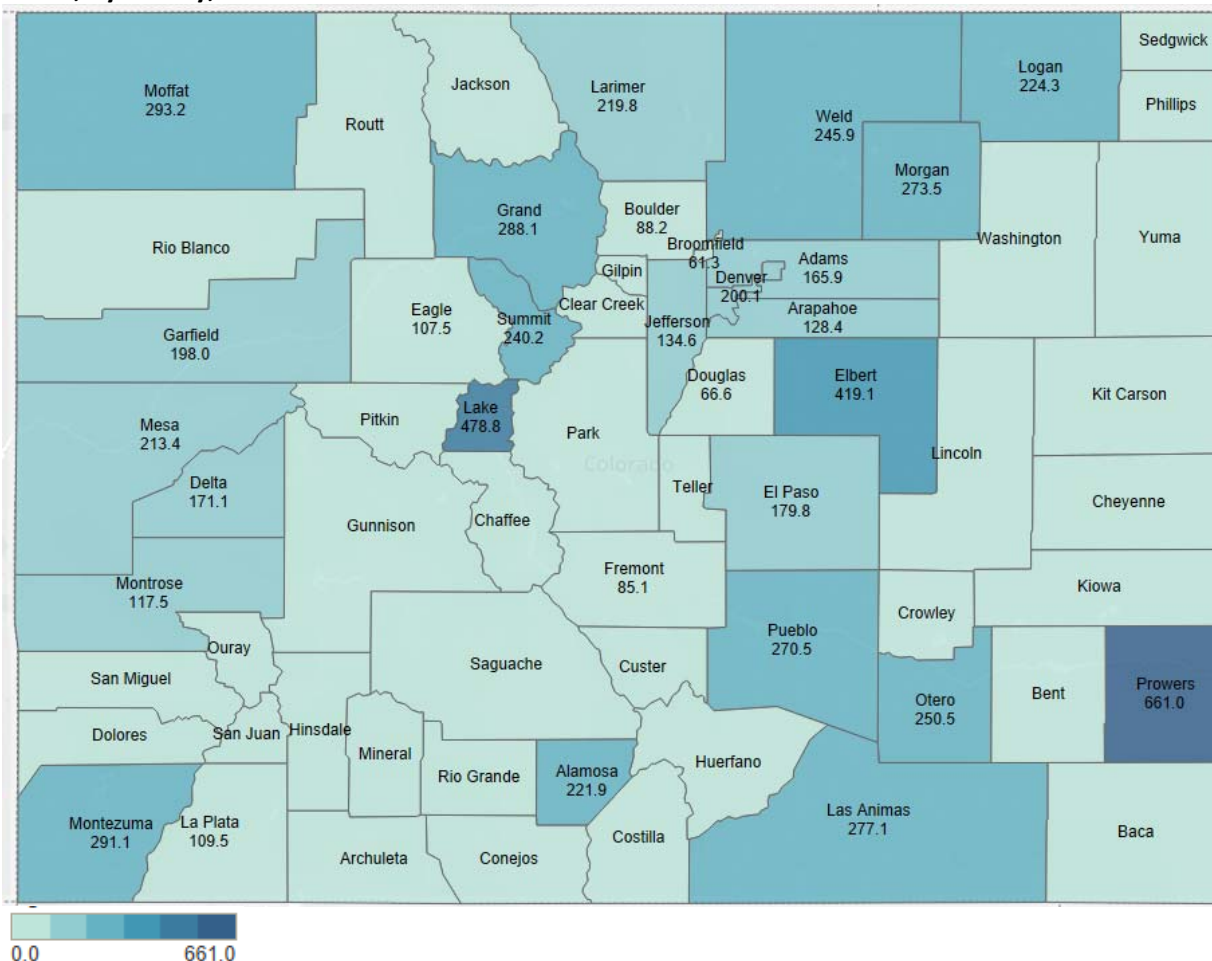


**Figure 65. Treatment modality for marijuana treatment admissions, females, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice. Note: STIRT is Strategic Intensive Remediation Treatment.

A geographic breakdown of treatment admissions in 2017 per 100,000 population of those ages 10 and over is presented in Figures 66 and 67. The county rates presented in Figure 66 must be interpreted with caution due to the requirement that a county must have at least 30 treatment admissions before data can be released. Figure 67 presents data by region and shows how different the treatment rates were throughout the state. In 2017, the Southeast region had the highest rate (275.1), while the Denver Metro area had the lowest rate (139.3).

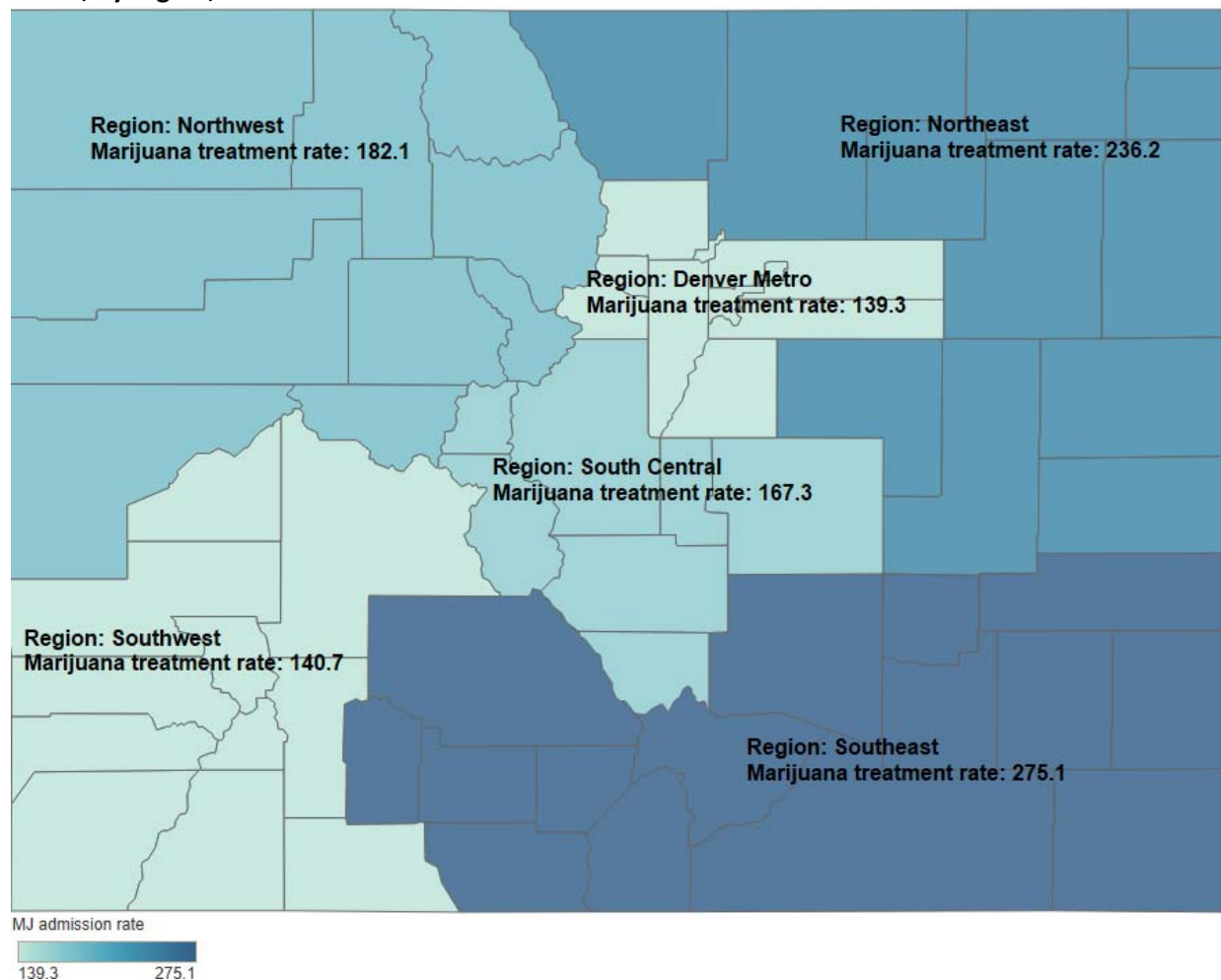
**Figure 66. Treatment rates (per 100,000 population ages 10 and over) for marijuana as primary drug of abuse, by county, 2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System; Colorado Department of Local Affairs, State Office of Demography. Analyzed by the Division of Criminal Justice.

Note: Counties with no treatment rates noted did not meet the suppression criteria of 30 treatment admissions for marijuana as the primary drug.

**Figure 67. Treatment rates (per 100,000 population ages 10 and over) for marijuana as primary drug of abuse, by region, 2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System; Colorado Department of Local Affairs, State Office of Demography. Analyzed by the Division of Criminal Justice.

## Suicide Rate Trends

The trend in overall crude suicide rate<sup>57</sup> and information on toxicology results from coroners is presented in Table 31. The overall crude rate has remained relatively stable since 2012. The prevalence of positive marijuana tests increased from 11.8% in 2012 to 22.3% in 2016. There was no change the percent of deaths by suicide testing positive for alcohol. The 22.3% testing positive for marijuana in 2016 was nearly identical to the national prevalence (22.4%) detailed in a recent CDC report.<sup>58</sup>

The variable "Marijuana Present" could indicate toxicology tests were positive for Delta-9 THC, 11-OH-THC, or THC-COOH (carboxy), so this factor alone is not indicative of intoxication or impairment at time

<sup>57</sup> The crude suicide rate is per 100,000 total population and is not adjusted for age.

<sup>58</sup> Stone, D. et al. (2018). *Vital signs: Trends in state suicide rates – United States, 1999-2016 and circumstances contributing to suicide – 27 States, 2015*. Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report. Available at [https://www.cdc.gov/mmwr/volumes/67/wr/mm6722a1.htm?s\\_cid=mm6722a1\\_w](https://www.cdc.gov/mmwr/volumes/67/wr/mm6722a1.htm?s_cid=mm6722a1_w)

of death, nor can it be interpreted as causal. It is possible that other substances (including alcohol) were present in addition to marijuana, which makes it difficult to conclusively state marijuana played a role in the death.

**Table 31. Suicides in Colorado, by overall crude rate and select toxicology results, 2006-2016**

| Year | N<br>suicides | Overall<br>crude<br>rate | N with<br>toxicology<br>available | N<br>marijuana<br>present | %<br>marijuana<br>present | N<br>alcohol<br>present | %<br>alcohol<br>present |
|------|---------------|--------------------------|-----------------------------------|---------------------------|---------------------------|-------------------------|-------------------------|
| 2006 | 711           | 15.0                     | 585                               | 44                        | 7.5%                      | 206                     | 35.2%                   |
| 2007 | 807           | 16.7                     | 767                               | 70                        | 9.1%                      | 273                     | 35.6%                   |
| 2008 | 799           | 16.2                     | 776                               | 58                        | 7.5%                      | 275                     | 35.4%                   |
| 2009 | 919           | 18.3                     | 707                               | 50                        | 7.1%                      | 247                     | 34.9%                   |
| 2010 | 850           | 16.9                     | 821                               | 70                        | 8.5%                      | 268                     | 32.6%                   |
| 2011 | 884           | 17.3                     | 821                               | 62                        | 7.6%                      | 281                     | 34.2%                   |
| 2012 | 1,021         | 19.7                     | 729                               | 86                        | 11.8%                     | 242                     | 33.2%                   |
| 2013 | 996           | 18.9                     | 764                               | 105                       | 13.7%                     | 260                     | 34.0%                   |
| 2014 | 1,063         | 19.9                     | 817                               | 122                       | 14.9%                     | 328                     | 40.1%                   |
| 2015 | 1,066         | 19.6                     | 808                               | 156                       | 19.3%                     | 298                     | 36.9%                   |
| 2016 | 1,140         | 20.5                     | 860                               | 189                       | 22.0%                     | 312                     | 36.3%                   |

Source: Colorado Department of Public Health and Environment, Colorado Violent Death Reporting System, at

<https://www.colorado.gov/pacific/cdphe/colorado-violent-death-reporting-system>

Note: Data obtained from Colorado suicide data dashboard. For additional information on data definitions please visit *Colorado Suicide Data Dashboard: Data Definitions and Functionality*, at

<https://drive.google.com/file/d/1tzPZoZH3UFJ6nafbx3pak7bEA8CL1KkR/view>.

The crude suicide rate is per 100,000 total population and is not adjusted for age.

In sum, the impacts of marijuana legalization on public health in Colorado are still being assessed. Surveys of marijuana use show that among young adults' (18–25), past 30-day use increased from 21% in 2005/2006<sup>59</sup> to 32% in 2015/2016. Past 30-day use among adults ages 26 and older increased from 5% in 2005/2006 to 14% in 2015/2016. Since 2000, rates of hospitalizations and emergency department visits possibly related to marijuana increased, as have the number of calls to poison control. Drug treatment admission rates for marijuana increased somewhat between 2007 and 2014 for those over the age of 21, but have since declined. The next section provides information on the impact of marijuana legalization on youth.

<sup>59</sup> Note that the 2006 NSDUH survey for Colorado showed the lowest past 30-day use since 1999.

## SECTION FOUR: IMPACT ON YOUTH

### Overview

This section focuses on the impact of marijuana legalization on youth under the age of 18. The topics include youth use, diversion of marijuana to youth, youth arrests, comprehensive school information, drug-endangered children,<sup>60</sup> and other potential impacts.

Information regarding youth marijuana use was obtained from surveys that ask students about drug use and other risky behavior. The Healthy Kids Colorado Survey (HKCS) is a biennial survey administered to high school and middle school youth by the Colorado Department of Public Health and Environment (CDPHE). The 2017 HKCS surveyed more than 53,800 high and middle school students. The National Survey on Drug Use and Health (NSDUH) is administered annually to those ages 12 and older by the federal Substance Abuse and Mental Health Services Administration. SAMHSA produces state-level estimates from a two-year rolling sample. The two-year prevalence rates for Colorado residents 12 to 17 years old were based on weighted estimates from between 500 to 650 survey respondents.

The public safety impacts are examined by using official offense and arrest data from the Colorado Bureau of Investigation, court filings data, and drug testing information from the State Division of Probation Services in the Judicial Branch.

Information about schools was gathered from discipline data made available by the Colorado Department of Education. These data include trends on suspensions, expulsions, and law enforcement referrals for drugs. The data system in place from 2004–2016 did not capture whether marijuana was the specific drug that led to the discipline, as it was grouped with all other drugs. In the 2016–2017 school year, marijuana was reported separately as a reason for school discipline.<sup>61</sup> However, since the most commonly used illicit drug in the youth population is marijuana, changes in drug discipline trends can logically be linked to changes in marijuana use. Discussions with school administrators and the 2016–2017 analysis results support this assumption.

The impact of retail marijuana on drug-endangered children is difficult to answer. The term “drug-endangered children” has not been defined by the legislature, and identifying relevant data is problematic. The Department of Human Services, Division of Child Welfare does not collect specific information on whether drug use or abuse is a contributing factor for at-risk families. Nevertheless, a few data elements may be informative. The CDPHE’s Colorado Behavioral Risk Factor Surveillance System (BRFSS) is a group of health-related telephone surveys that collect data from residents regarding their health-related risk behaviors, chronic health conditions, and use of preventive services. The Child Health Survey is a component of the BRFSS that asks parents, with children ages 1-14, about various behaviors, including parental marijuana usage and marijuana storage in the home. Questions about

<sup>60</sup> Senate Bill 2013-283, which mandated this report, included drug-endangered children in the list of topics to study.

<sup>61</sup>The 2015–2016 school year was the first in which marijuana was recorded as a discipline reason, but it was not reported for the full year.

marijuana were first added in 2014. The CDPHE's Pregnancy Risk Assessment Monitoring System (PRAMS) is a surveillance system designed to identify and monitor behaviors and experiences of women before, during, and after pregnancy. Information about marijuana use before, during, and after pregnancy is collected by surveying a sample of women who have recently given birth.

A second proxy for drug-endangered children are reports from pregnant women entering substance abuse treatment, by type of drug they report and frequency of marijuana use prior to entering treatment.

## Youth Use

### Survey Data

#### *Healthy Kids Colorado Survey*

The CDPHE's Healthy Kids Colorado Survey (HKCS) collects health information biennially (every odd year) from thousands of Colorado public school high school and middle school students.<sup>62</sup> Surveys are completed by students from a random sample of selected schools and randomly selected classrooms within those schools. Results are weighted to represent student enrollment in all Colorado public high schools (2005, 2009, 2011, 2013, 2015, 2017) and public middle schools (2013, 2015, 2017). The HKCS and other sample-based surveys employ statistical weights to account for the fact that information is obtained from a sample and used to represent the larger population. The weights account for sampling design, school and student nonparticipation and nonresponse, and overall adjustments in grade, sex, and ethnicity that match the sample and the population.

A total of 53,850 randomly selected students from 190 randomly selected schools participated in the 2017 HKCS. The sample includes 47,146 students in 157 public high schools and 6,704 students in 33 public middle schools (Table 32).

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<sup>62</sup> More detailed information about the Healthy Kids Colorado Survey can be accessed at <https://www.colorado.gov/cdphe/hkcs>. HKCS is Colorado's version of the national Youth Risk Behavioral Survey (YRBS), a biennial survey overseen by the Centers for Disease Control and Prevention. More information about the YRBS can be found here <https://www.cdc.gov/healthyyouth/data/yrbs/results.htm>

**Table 32. Sample information for Healthy Kids Colorado Survey (HKCS)**

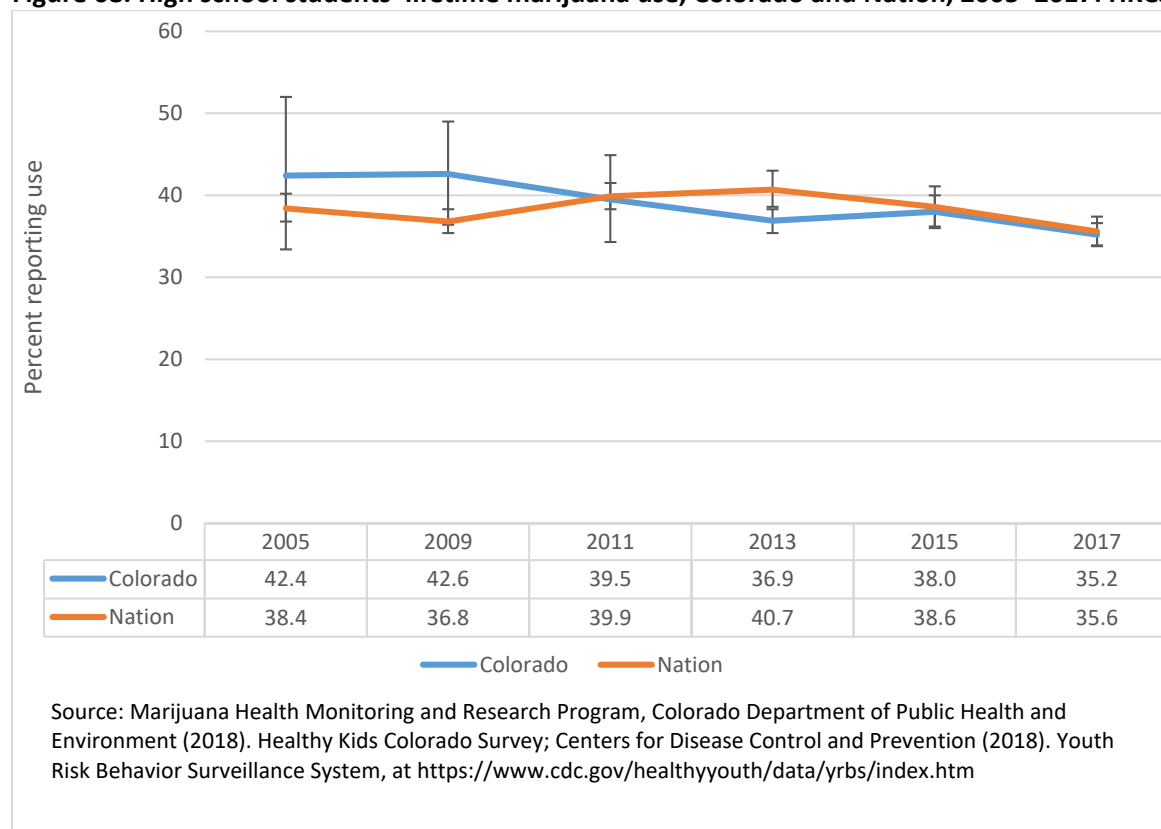
| Year | High school    | Middle school <sup>a</sup> |
|------|----------------|----------------------------|
|      | N<br>Responses | N<br>Responses             |
| 2005 | 1,498          | --                         |
| 2009 | 1,511          | --                         |
| 2011 | 1,523          | --                         |
| 2013 | 25,197         | 14,187                     |
| 2015 | 15,970         | 997                        |
| 2017 | 47,146         | 6,704                      |

Source: Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey Technical Documentation.

<sup>a</sup>The middle school survey was not conducted prior to 2013.

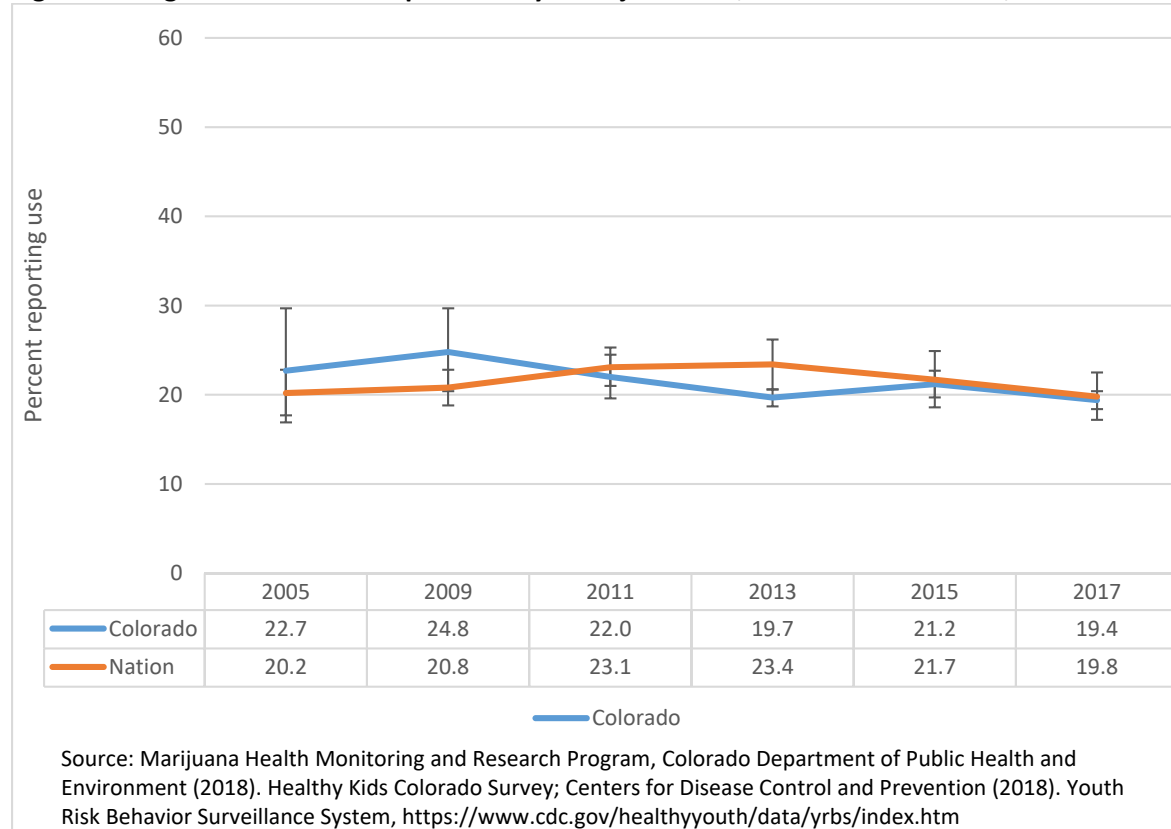
Note: The response rate from the 2007 survey was too low to allow for accurate weighting of the results and these data are not presented.

The proportion of Colorado high school students reporting using marijuana ever in their lifetime remained statistically unchanged between 2005 and 2017 (Figure 68). Further, Figure 1 shows there was no statistically significant difference between Colorado student responses compared to national data.

**Figure 68. High school students' lifetime marijuana use, Colorado and Nation, 2005–2017: HKCS**

The percentage of high school students reporting past 30-day use also remained stable, with no significant changes between 2005 and 2017 (Figure 69).

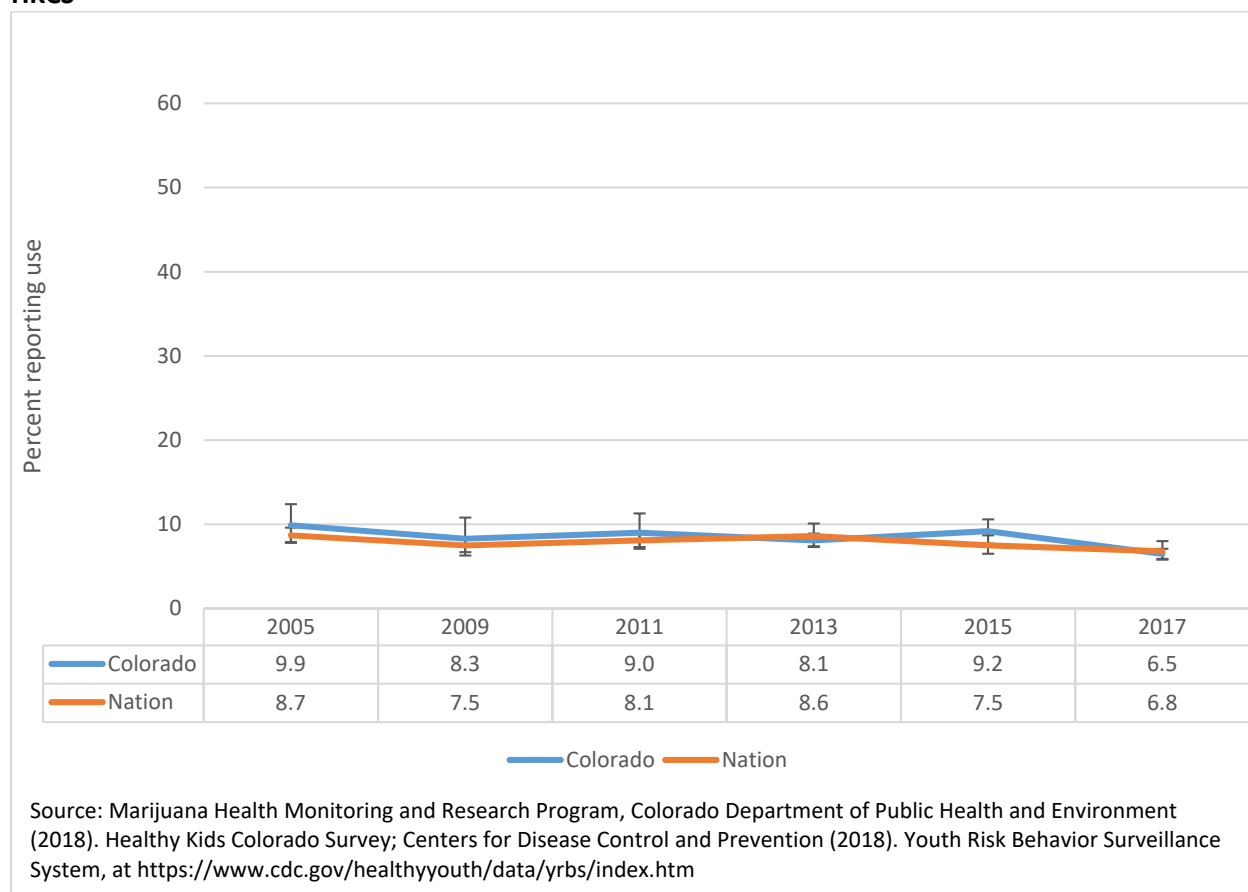
**Figure 69. High school students' past 30-days marijuana use, Colorado and Nation, 2005–2017: HKCS**





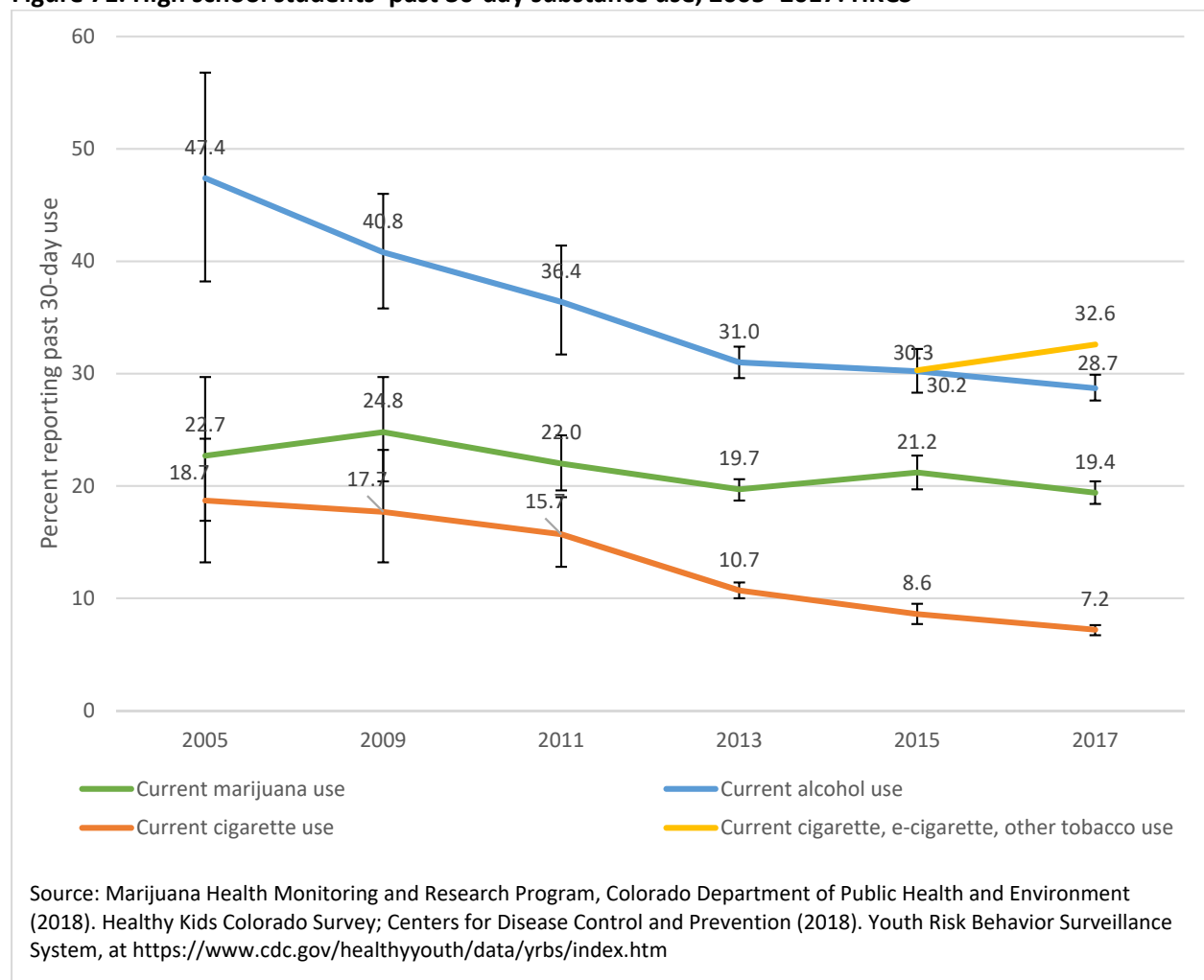
The proportion of students trying marijuana before the age of 13 went down significantly in Colorado, from 9.2% in 2015 to 6.5% in 2017 (Figure 70). These findings were not statistically different from the national data.

**Figure 70. High school students' marijuana use before 13 years old, Colorado and Nation, 2005–2017: HKCS**



Prevalence trends for the three most commonly used substances by high school students are presented in Figure 71. The prevalence of marijuana use has not changed significantly in the past six survey administrations (2005, 2009, 2011, 2013, 2015, and 2017). Alcohol and cigarette use trended downward, with the largest reduction linked to current alcohol use, down from 47.4% in 2005 to 28.7% in 2017. Although youth's cigarette smoking was at an all-time low, 27% of youth report using nicotine through vapor products including e-cigarettes. Data on e-cigarettes was added to the 2015 administration of HKCS.

**Figure 71. High school students' past 30-day substance use, 2005–2017: HKCS**



The demographic characteristics of students reporting past 30-day marijuana use in 2017 are presented in Table 33. The percentage of males (18.9%) and females (19.7%) that report past 30-day use does not show any difference. The age of the student was associated with marijuana use, with 13.5% of those 15 or younger reporting use in the past 30-days, compared to 23.7% of 16- to 17-year olds, and 27.0% of those 18 or older. There were no significant differences in reported use between American Indian/Alaska Native (20.5%), Black/African-American (19.1%), White (18.3%), or Hispanic/Hispanic-White students (21.9%). Asian high school students reported using less frequently (9.3%) than other racial categories while multiple race/Hispanic-Other race reported the highest rates (27.1%). Those reporting their sexual orientation as gay/lesbian/bisexual were likely to report past 30-day marijuana use (30.9%) than heterosexual (18.2%) or unsure (16.5%) youth.

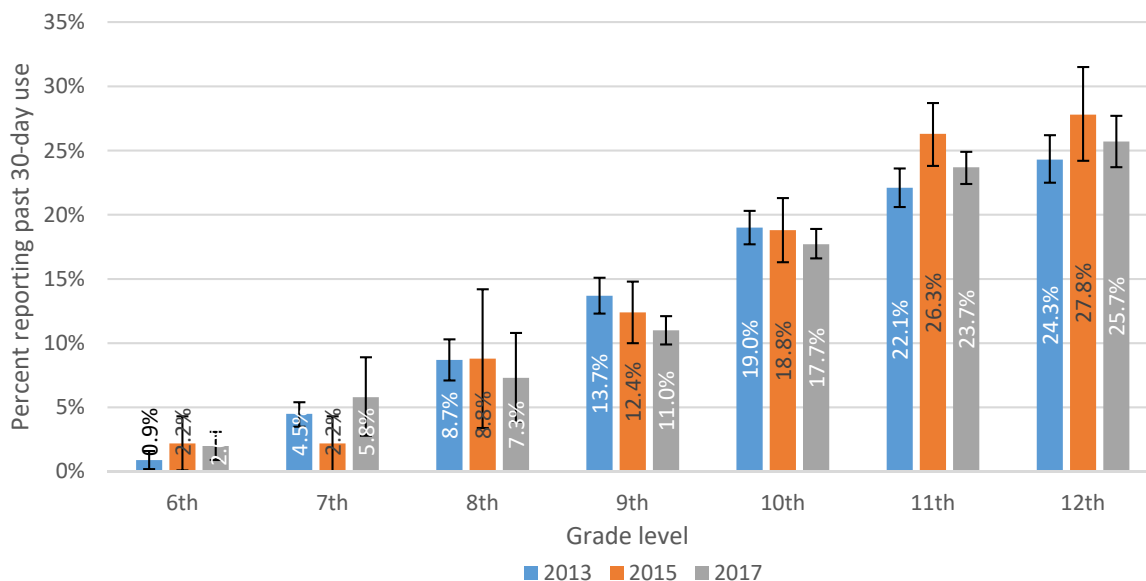
**Table 33. High school students' past 30-day marijuana use, by demographic characteristics, 2017**

| Demographic category                 | Percent | 95% CI      |
|--------------------------------------|---------|-------------|
| Total                                | 19.4    | (18.4-20.4) |
| Gender                               |         |             |
| Male                                 | 18.9    | (17.8-19.9) |
| Female                               | 19.7    | (18.5-21.0) |
| Age                                  |         |             |
| 15 or younger                        | 13.5    | (12.6-14.5) |
| 16 or 17                             | 23.7    | (22.5-25.0) |
| 18 or older                          | 27.0    | (24.0-30.0) |
| Grade                                |         |             |
| 9th                                  | 11.0    | (9.9-12.1)  |
| 10th                                 | 17.7    | (16.6-18.9) |
| 11th                                 | 23.7    | (22.4-24.9) |
| 12th                                 | 25.7    | (23.7-27.7) |
| Race/ethnicity                       |         |             |
| American Indian/Alaska Native        | 20.5    | (16.6-24.4) |
| Asian                                | 9.3     | (7.2-11.5)  |
| Black/African-American               | 19.1    | (15.4-22.8) |
| Native Hawaiian/Pacific Islander     | 23.1    | (11.5-34.6) |
| White                                | 18.3    | (17.0-19.7) |
| Hispanic only or Hispanic White      | 21.9    | (20.6-23.1) |
| Multiple race or Hispanic Other Race | 27.1    | (23.6-30.6) |
| Sexual orientation                   |         |             |
| Heterosexual                         | 18.2    | (17.3-19.2) |
| Gay, Lesbian, or Bisexual            | 30.9    | (28.4-33.5) |
| Unsure                               | 16.5    | (13.7-19.4) |

Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment (2018). Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>

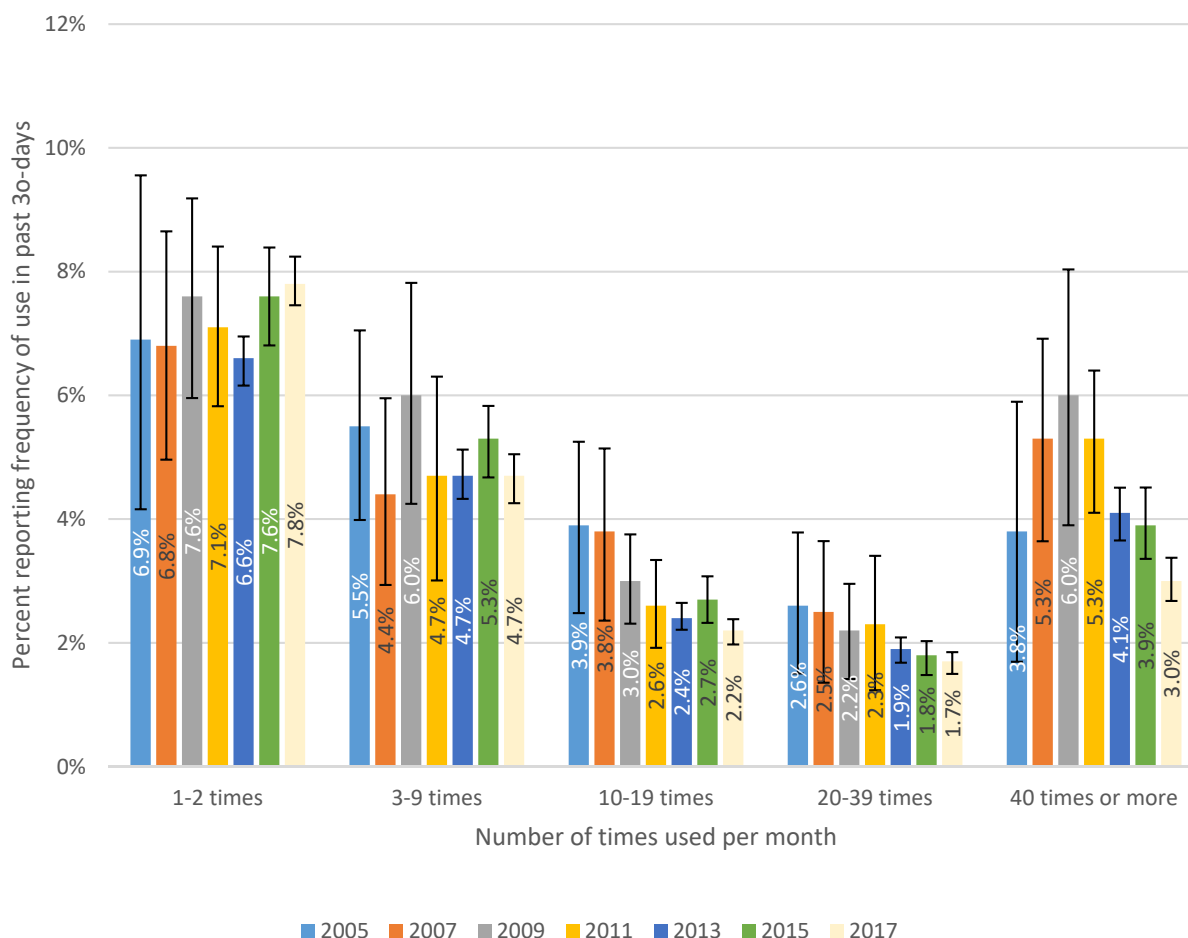
Past 30-day marijuana use by grade level is presented in Figure 72. No significant changes occurred within any grade between 2013 to 2017. Past 30-day marijuana use increased by grade, with the biggest jumps in 2017 occurring from 9<sup>th</sup> grade to 10<sup>th</sup> grade (+6.7% points) and 10<sup>th</sup> grade to 11<sup>th</sup> grade (+6.0% points).

**Figure 72. High school and middle school students' past 30-day marijuana use, by grade level, 2013-2017: HKCS**



Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment (2018). Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>

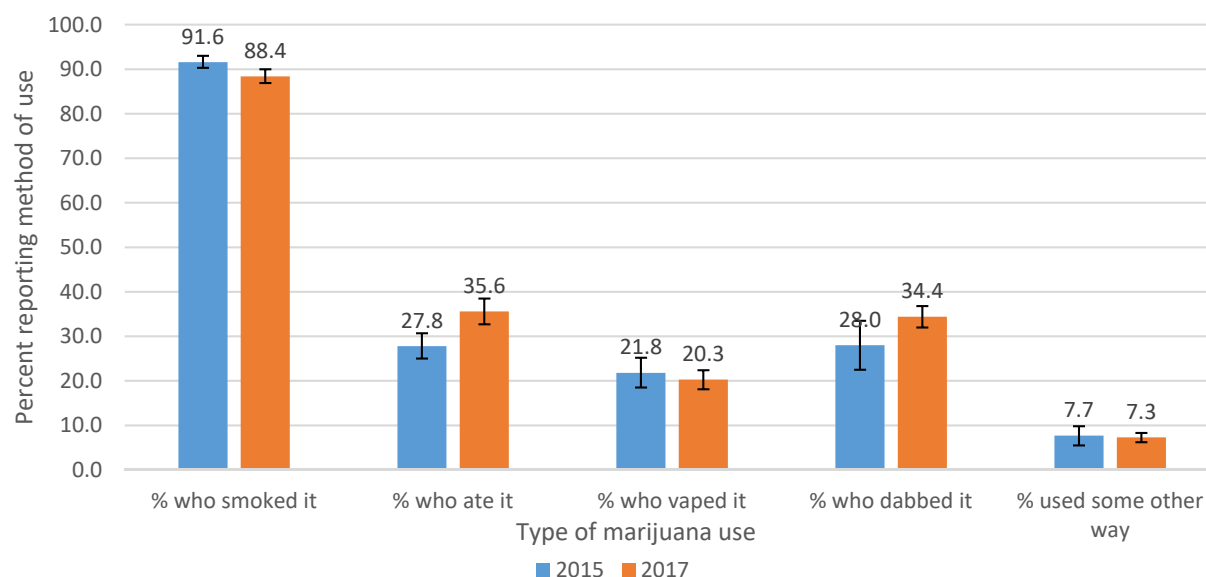
The number of times high school students reported using marijuana in the past 30-days is presented in Figure 73. In 2017, among those who used marijuana, 7.8% reported using one to two times, 4.7% reported using three to nine times, and 3.0% reported using 40 or more times. Using 40 or more times appears to have decreased, but there were no statistically significant differences in any use category between 2015 to 2017.

**Figure 73. High school students' marijuana use frequency in past 30 days, 2005–2017: HKCS**

Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment (2018). Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-hkcs-monitoring-trends-youth-marijuana-use>

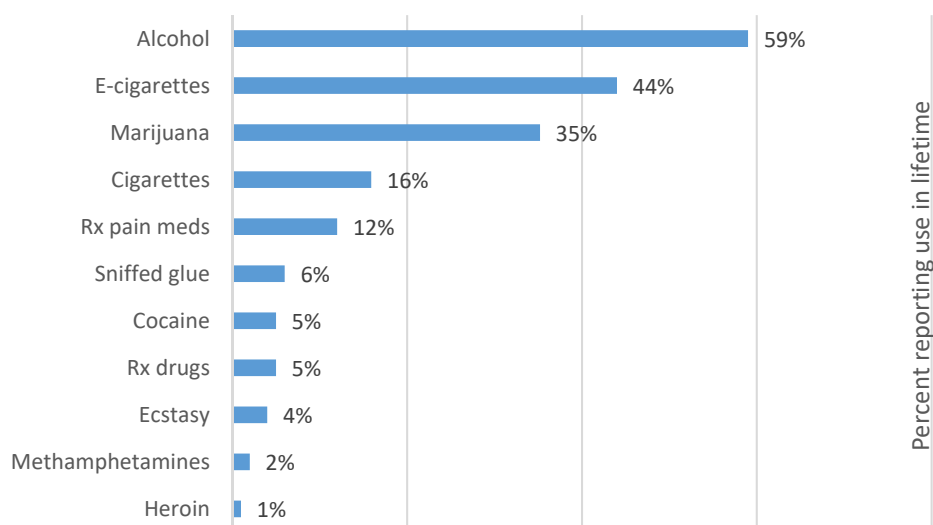
The most common method of marijuana use, reported by the 19.4% of high school students who used marijuana in the past 30-days, was smoking (88.4%), followed by eating (35.6%), and dabbing<sup>63</sup> (34.4%). The percent of high school students reporting eating and dabbing marijuana in the past 30-days both increased significantly from 2015 to 2017 (Figure 74).

<sup>63</sup> Dabbing is a method of use in which a high THC concentrate (25%-90% THC) is placed on a small metal “nail,” heated up to a very high temperature, and then inhaled through a glass device known as a “dab rig.” For a more complete description of concentrates and dabbing, see <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5679763/>; <https://ajp.psychiatryonline.org/doi/full/10.1176/appi.ajp-rj.2016.110604>; <https://www.theatlantic.com/national/archive/2013/05/amateurs-guide-dabs/315221/>.

**Figure 74. High school students' reported methods of marijuana use, by type of use, 2015–2017: HKCS**

Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment (2018). Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-hkcs-monitoring-trends-youth-marijuana-use>. Note: Student can report more than one method of use.

Alcohol was the most common substance high school students reported using at any point in their lives at 59%, followed by e-cigarettes at 44%, and marijuana at 35% (Figure 75).

**Figure 75. High school students' reported use in lifetime of various substances, by substance type, 2017: HKCS**

Source: Colorado Department of Public Health and Environment (2018), *Data Brief: Colorado Youth Marijuana Use 2017*. Note: E-cigarette use does not include marijuana products.

Colorado has 21 Health Statistics Regions (HSRs). Large counties constitute a single HSR, while smaller counties are grouped together. This grouping allows estimates to be produced for areas with small student populations. See Figure 76 for a statewide map of the HSRs.

Health Statistics Region 7 (Pueblo County) reported the highest rate of high school students using marijuana in the past 30 days for the last three survey administrations, with 26.8% reporting use in 2017, 30.1% in 2015, and 32.1% in 2013 (Table 34, Figures 77–79). Note, however, that the proportion reporting 30-day use declined between 2013 and 2017. Also reporting high rates of use were students in Region 10 (Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel Counties) at 25.3% in 2017, and Region 9 (Archuleta, La Plata, and Montezuma Counties) at 24.9%. The areas with the lowest usage in 2017 included Region 3 (Douglas County) at 13.5%, Region 5 (Cheyenne, Elbert, Kit Carson, and Lincoln Counties) at 16.2% and Region 1 (Logan, Morgan, Philips, Sedgwick, Washington, and Yuma Counties) at 16.3%.

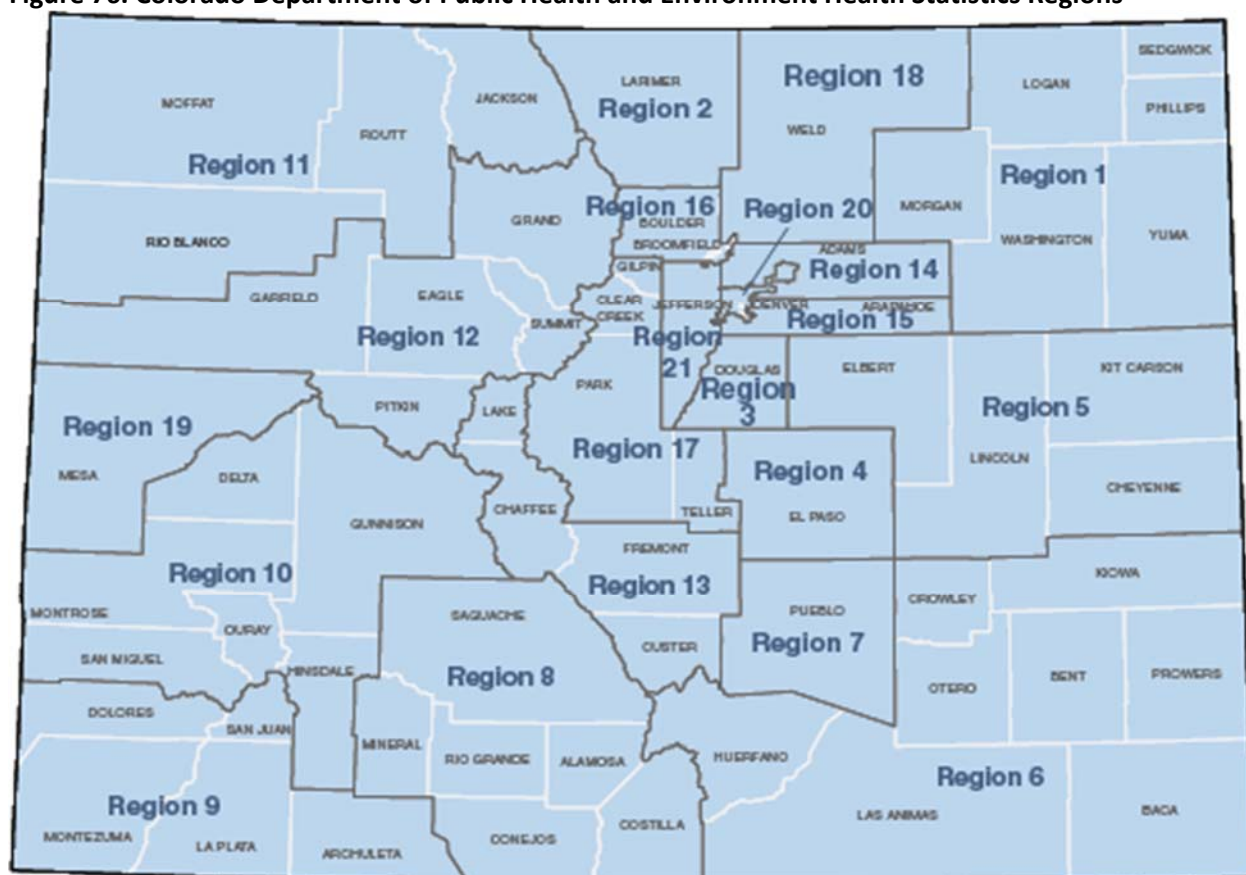
**Table 34. High school students reporting marijuana use in the past 30-days, by health statistics region, 2013-2017**

| Health Statistics Region | 2013       |             | 2015       |             | 2017       |             |
|--------------------------|------------|-------------|------------|-------------|------------|-------------|
|                          | 30-day use | 95% CI      | 30-day use | 95% CI      | 30-day use | 95% CI      |
| Colorado                 | 19.7       | (18.7-20.6) | 21.2       | (19.7-22.7) | 19.4       | (18.4-20.4) |
| HSR 1                    | --         | --          | 11.8       | (4.8-18.8)  | 16.3       | (12.9-19.6) |
| HSR 2                    | 16.9       | (14.0-19.8) | 17.6       | (12.6-22.5) | 19.6       | (18.3-20.9) |
| HSR 3                    | 13.2       | (11.7-14.7) | --         | --          | 13.5       | (12.1-14.8) |
| HSR 4                    | 14.8       | (10.4-19.2) | --         | --          | 22.2       | (19.5-24.8) |
| HSR 5                    | 9.4        | (6.0-12.9)  | 9.7        | (1.9-17.4)  | 16.2       | (11.6-20.8) |
| HSR 6                    | 17.6       | (13.4-21.8) | 20.1       | (16.9-23.3) | 20.6       | (12.6-28.5) |
| HSR 7                    | 32.1       | (25.7-38.4) | 30.1       | (27.1-33.2) | 26.8       | (24.1-29.5) |
| HSR 8                    | 23.1       | (18.1-28.0) | 19.7       | (17.0-22.4) | 19.6       | (17.5-21.7) |
| HSR 9                    | 24.6       | (20.9-28.3) | 26.2       | (24.7-27.7) | 24.9       | (23.0-26.8) |
| HSR 10                   | 26.7       | (22.3-31.0) | 17.5       | (12.7-22.2) | 25.3       | (22.0-28.6) |
| HSR 11                   | 14.3       | (7.3-21.2)  | 19.7       | (18.0-21.4) | 19.5       | (18.9-20.2) |
| HSR 12                   | 19.7       | (15.5-23.9) | 24.5       | (20.1-28.9) | 20.8       | (19.4-22.3) |
| HSR 13                   | 22.9       | (21.2-24.7) | 23.5       | (21.9-25.1) | 22.1       | (18.9-25.2) |
| HSR 14                   | 22.8       | (19.7-25.9) | 20.6       | (14.3-27.0) | --         | --          |
| HSR 15                   | 20.6       | (18.7-22.4) | 20.2       | (17.9-22.6) | 18.3       | (15.5-21.1) |
| HSR 16                   | 20.3       | (18.3-22.3) | 24.1       | (20.2-28.0) | 22.2       | (18.9-25.4) |
| HSR 17                   | 25.1       | (21.9-28.3) | 20.8       | (19.3-22.3) | 22.1       | (17.9-26.3) |
| HSR 18                   | 18.6       | (15.4-21.9) | --         | --          | 18.0       | (16.1-19.9) |
| HSR 19                   | 17.2       | (13.0-21.3) | 21.2       | (19.0-23.3) | 19.7       | (17.2-22.2) |
| HSR 20                   | 26.6       | (22.5-30.8) | 26.1       | (20.5-31.8) | 20.9       | (16.9-24.8) |
| HSR 21                   | --         | --          | --         | --          | --         | --          |

Source: : Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-hkcs-monitoring-trends-youth-marijuana-use>

Note: HSR results indicated with a -- either did not participate in the survey or had too few responses to produce reliable estimates.

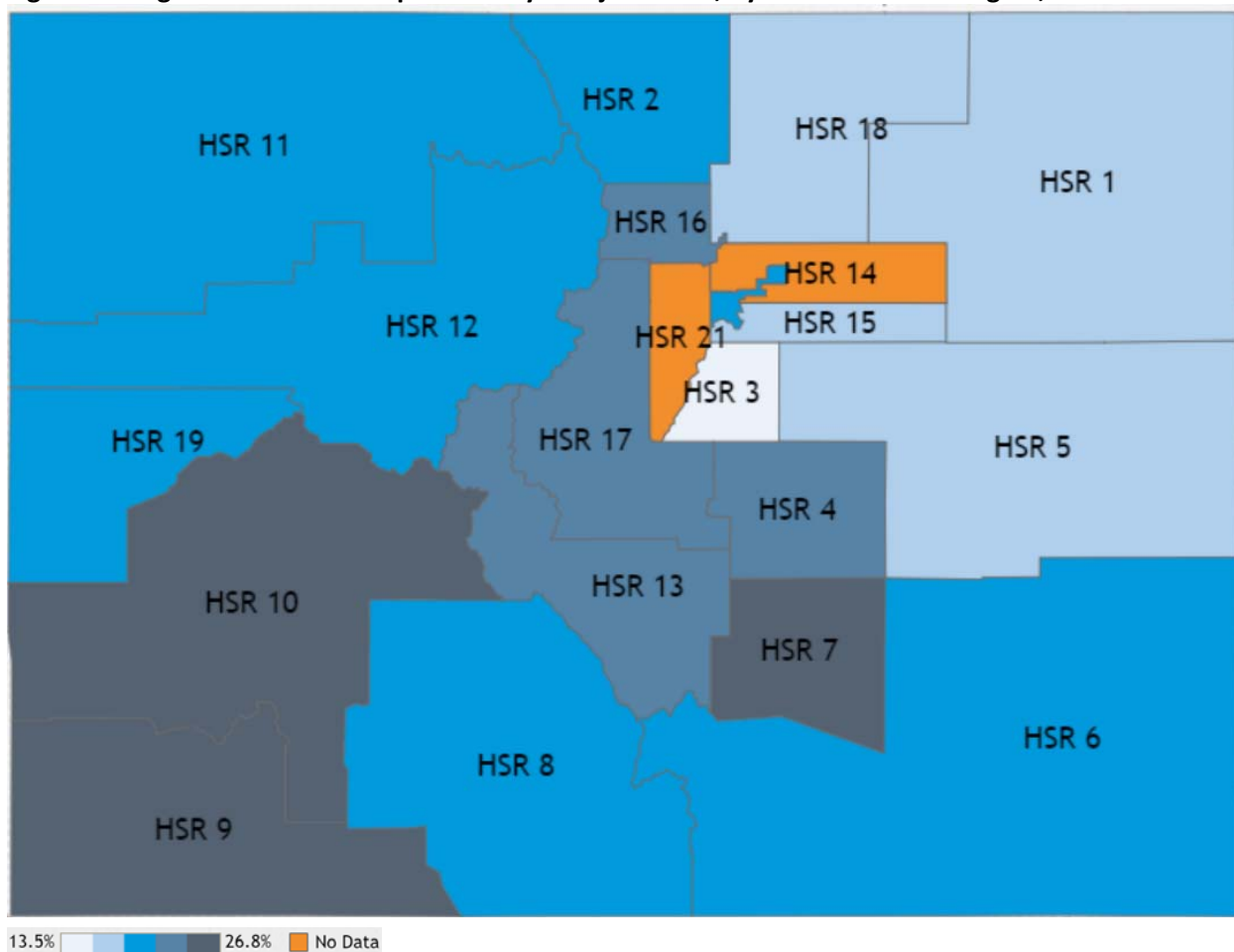
Figure 76. Colorado Department of Public Health and Environment Health Statistics Regions



Source: Colorado Department of Public Health and Environment.



**Figure 77. High school students' past 30-day marijuana use, by health statistics region, 2017: HKCS**

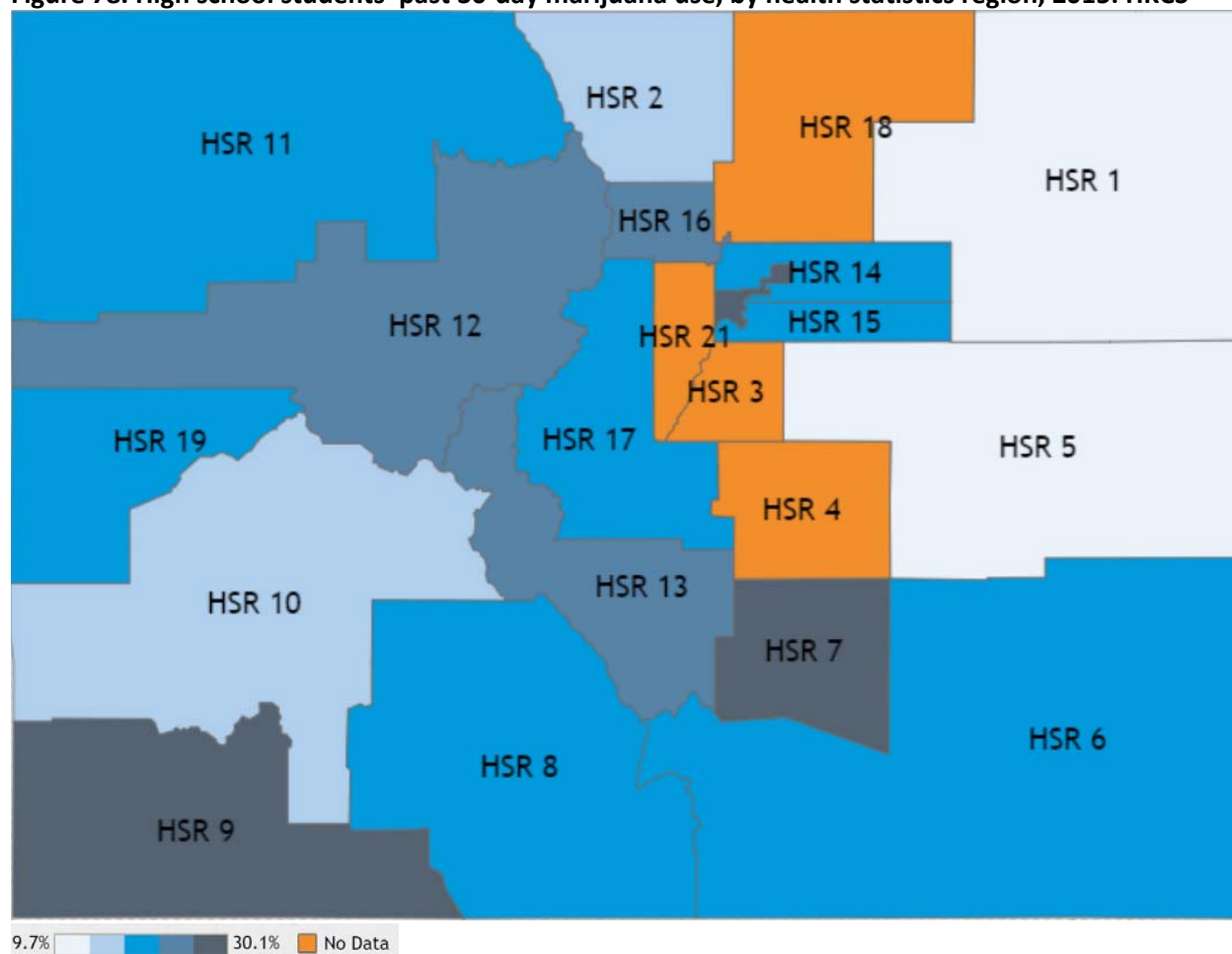


Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at

<https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-hkcs-monitoring-trends-youth-marijuana-use>

Note: Adams County (Region 14) and Jefferson County (Region 21) did not have enough responses to create reliable estimates in the 2017 Healthy Kids Colorado Survey.

**Figure 78. High school students' past 30-day marijuana use, by health statistics region, 2015: HKCS**

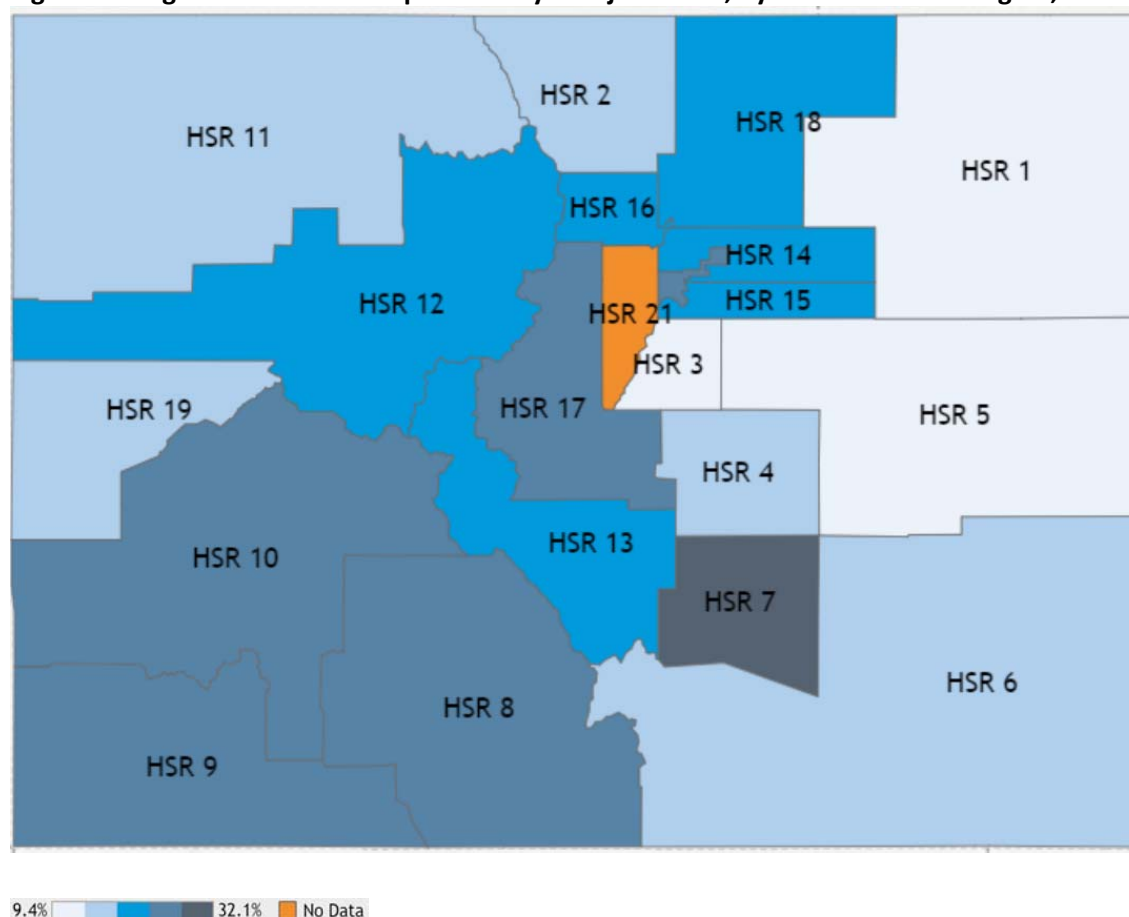


Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at

<https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-hkcs-monitoring-trends-youth-marijuana-use>

Note: Douglas County (Region 3), El Paso County (Region 4), Jefferson County (Region 21), and Weld County (Region 18) either did not participate or did not have enough responses to create reliable estimates in the 2015 Healthy Kids Colorado Survey.

**Figure 79. High school students' past 30-day marijuana use, by health statistics region, 2013: HKCS**



Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at

<https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-hkcs-monitoring-trends-youth-marijuana-use>

Note: Jefferson County (Region 21) did not participate in the 2013 Healthy Kids Colorado Survey.

The HKCS asks about various student opinions and behaviors concerning marijuana (Tables 35 and 36). The perception of moderate/great risk of using marijuana regularly<sup>64</sup> was reported by 71.2% of middle school students and a little over half (51.8%) of high school students in 2017.

High school students believe that 78.9% of “typical students” have used marijuana in the past 30-days, with 40.5% of middle school students expressing this belief in 2017. This compares to 25.7% of 12<sup>th</sup> graders and 7.3% of 8<sup>th</sup> graders who reported use in the past 30 days (Figure 72).

The perception of how easy it would be to obtain marijuana changes as students age, with 18.3% of middle school students reporting that it would be sort of/very easy to get marijuana, and 53.5% of high

<sup>64</sup> The frequency implied by the term “use marijuana regularly” is not explicitly defined in the survey. This is also a different measure of risk perception from that used in the NSDUH, which asks about perceived risk for using once a month.

school students expressing this belief in 2017 (Tables 35 and 36). Student perceptions about the wrongness of marijuana use also vary by age, with 88.3% of middle school students believing use is wrong/very wrong, and 57.4% of high school students expressing this opinion in 2017. Grade-level trends regarding the opinion questions are available in Figures 80–83.

Two questions about driving were asked of high school students: whether they rode in a car with someone who had been using marijuana and if they drove while using marijuana (Table 35). In 2017, nearly one in five (18.6%) reported riding with someone who had been using marijuana and about one in 10 (9.0%) of students who drove reported driving while using marijuana in the past 30 days. Grade-level trends for the driving questions are presented in Figures 84 and 85.

**Table 35. High school students' opinions regarding marijuana, by school level, 2013–2017: HKCS**

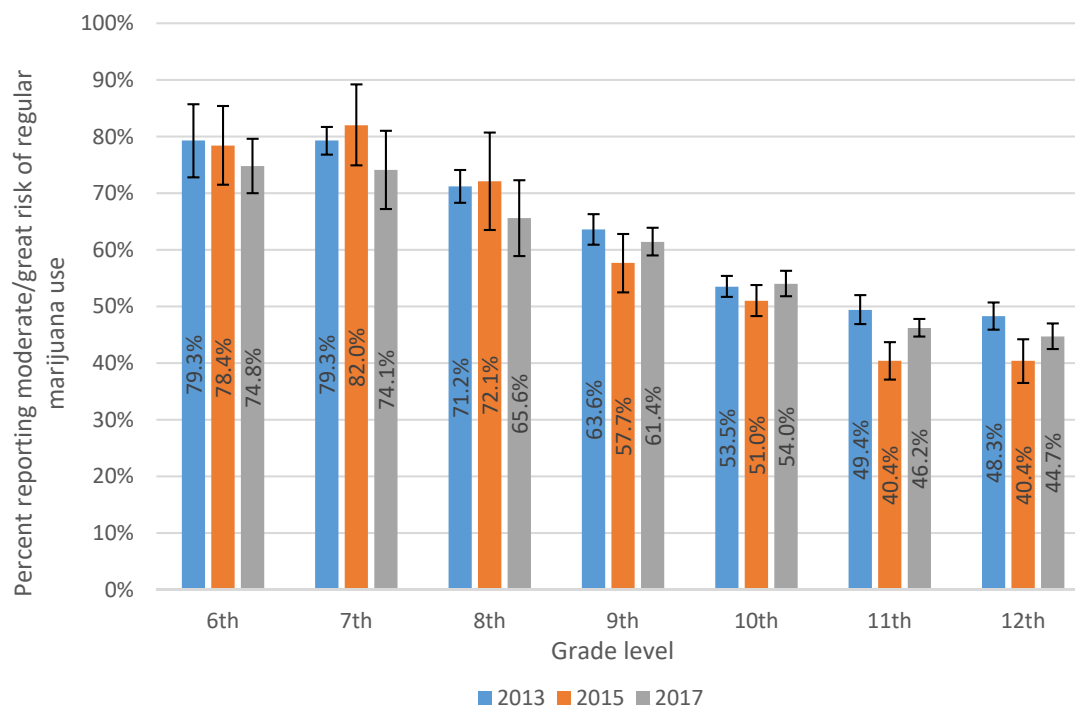
| Question                                                                                                                                               | 2013       |             | 2015       |             | 2017       |             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|------------|-------------|------------|-------------|
|                                                                                                                                                        | Percentage | 95% CI      | Percentage | 95% CI      | Percentage | 95% CI      |
| Percentage of students who think people who use marijuana regularly have moderate/great risk of harming themselves                                     | 54.0%      | (52.7-56.2) | 47.7%      | (45.5-49.9) | 51.8%      | (50.3-53.4) |
| Percentage of students who think a typical student used marijuana during the past 30-days                                                              | NA         |             | NA         |             | 78.9       | (77.5-80.3) |
| Percentage of students who feel it would be sort of easy or very easy to get marijuana if they wanted                                                  | 54.9       | (53.4-56.5) | 55.7       | (53.6-57.8) | 53.5       | (51.8-55.3) |
| Percentage of students who think it is wrong/very wrong for someone their age to use marijuana                                                         | 60.2       | (58.7-61.7) | 60.6       | (58.5-62.7) | 57.4       | (55.9-58.9) |
| Percentage of students who think their parents would feel it is wrong/very wrong if they used marijuana                                                | 86.4       | (85.7-87.2) | 85.4       | (84.0-86.8) | 86.6       | (85.7-87.5) |
| Percentage of students who rode one or more times during the past 30-days in a car or other vehicle driven by someone who had been using marijuana     | 19.7       | (18.6-20.8) | 20.4       | (18.4-22.5) | 18.6       | (17.4-18.7) |
| Among students who drove a car or other vehicle during the past 30-days, the percentage who drove one or more times when they had been using marijuana | 10.9       | (10.0-11.8) | 10.4       | (9.0-11.8)  | 9.0        | (8.2-9.7)   |

Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>

**Table 36. Middle school students' opinions regarding marijuana, by school level, 2013–2017: HKCS**

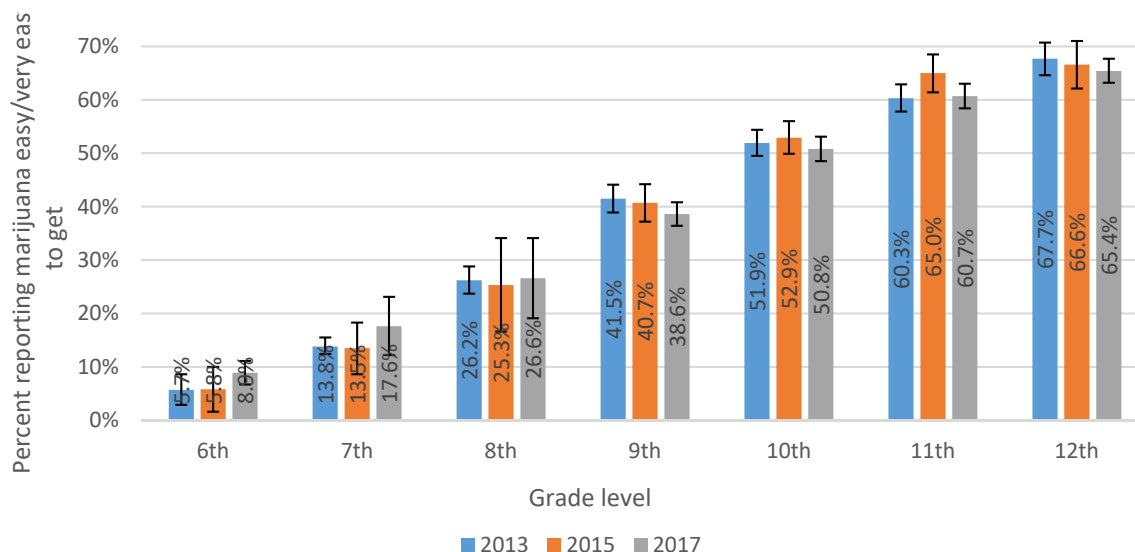
| Question                                                                                                           | 2013       |             | 2015              |        | 2017       |             |
|--------------------------------------------------------------------------------------------------------------------|------------|-------------|-------------------|--------|------------|-------------|
|                                                                                                                    | Percentage | 95% CI      | Percentage        | 95% CI | Percentage | 95% CI      |
| Percentage of students who think people who use marijuana regularly have moderate/great risk of harming themselves | 76.4%      | (73.8-79.0) | 77.5% (72.1-82.8) |        | 71.2%      | (66.2-76.2) |
| Percentage of students who think a typical student used marijuana during the past 30-days                          | NA         |             | NA                |        | 40.5       | (36.5-44.5) |
| Percentage of students who feel it would be sort of easy or very easy to get marijuana if they wanted              | 16.2       | (14.4-18.0) | 15.5 (10.5-20.5)  |        | 18.3       | (14.5-22.2) |
| Percentage of students who think it is wrong/very wrong for someone their age to use marijuana                     | 89.3       | (87.6-91.0) | 91.6 (87.8-95.4)  |        | 88.3       | (85.3-91.3) |
| Percentage of students who think their parents would feel it is wrong/very wrong if they used marijuana            | 96.3       | (95.6-97.1) | 97.5 (96.2-98.7)  |        | 96.0       | (94.4-97.6) |

Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey

**Figure 80. Students' opinion regarding moderate/great risk of regular marijuana use, by grade level, 2013–2017: HKCS**

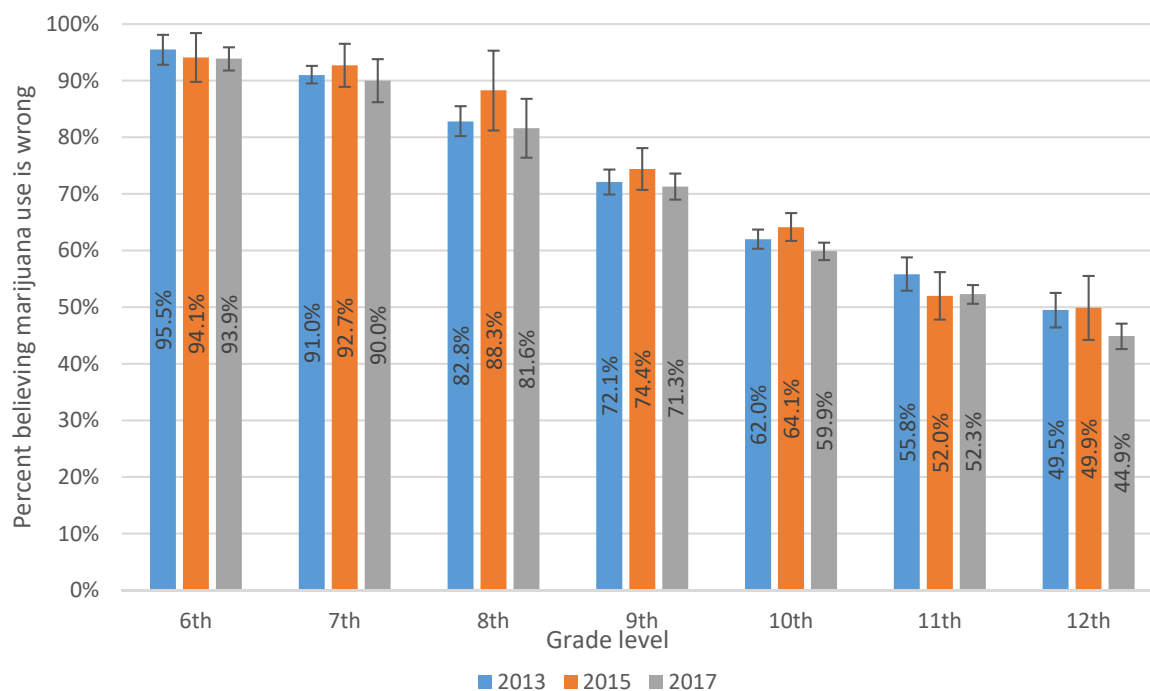
Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>

**Figure 81. Students' opinion regarding marijuana being easy/very easy to get, by grade level, 2013–2017: HKCS**



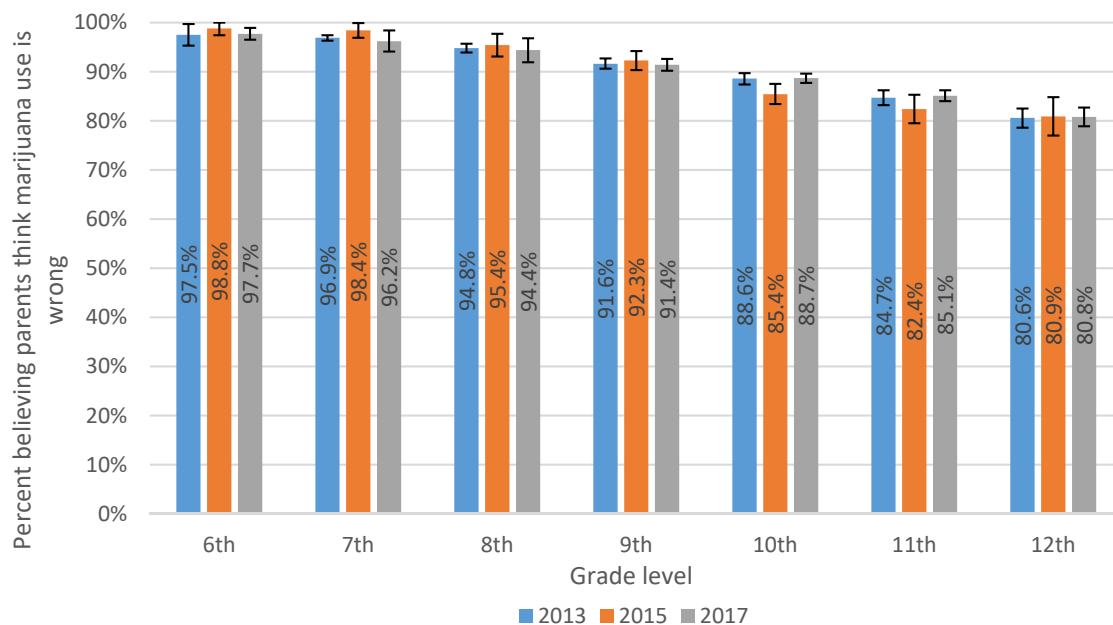
Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>

**Figure 82. Students' opinion regarding whether marijuana use is wrong, by grade level, 2013–2017: HKCS**



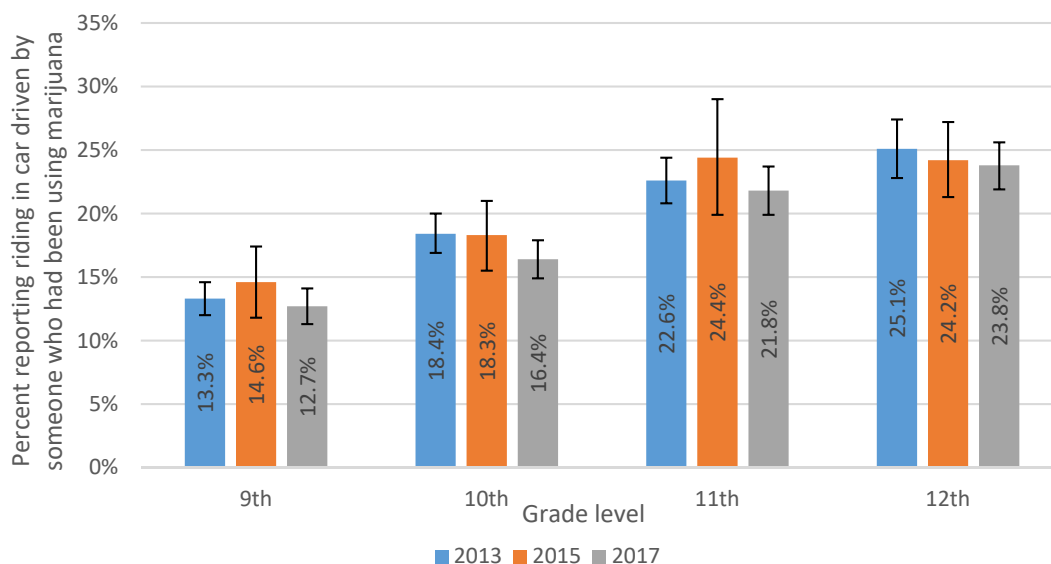
Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>

**Figure 83. Students' opinion regarding whether parents believe marijuana use is wrong, by grade level, 2013–2017: HKCS**



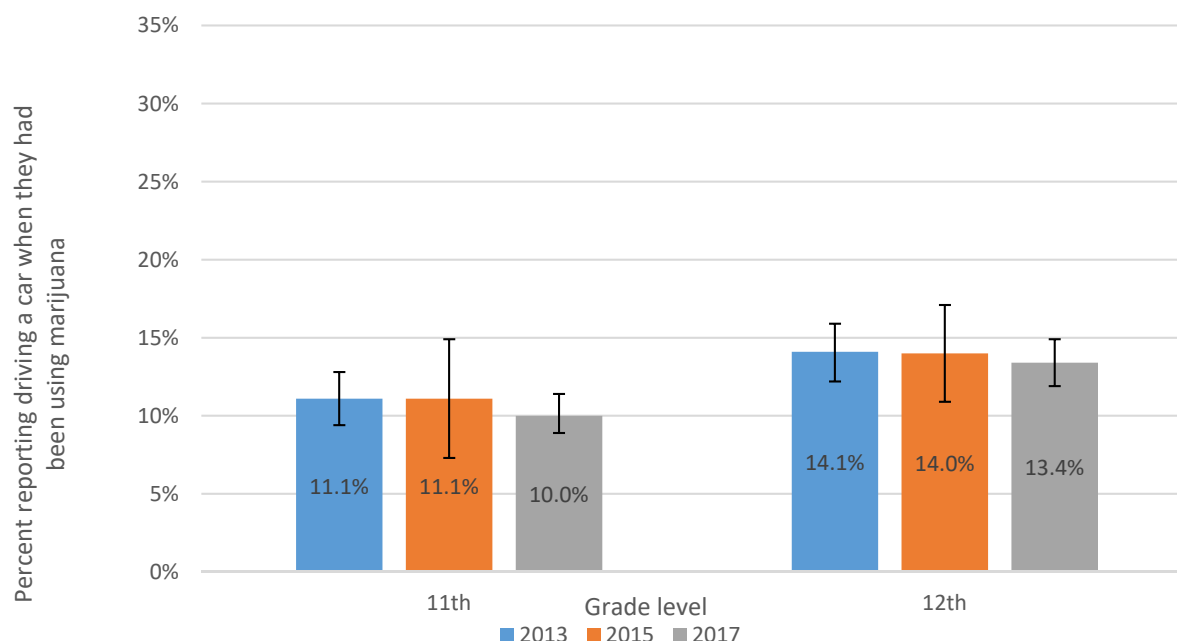
Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>

**Figure 84. Students reporting riding in a car driven by someone who had been using marijuana, by grade level, 2013–2017: HKCS**



Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>

**Figure 85. Students reporting driving car when they had been using marijuana, by grade level, 2013–2017: HKCS**



Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Healthy Kids Colorado Survey, at <https://www.colorado.gov/pacific/cdphe/healthy-kids-colorado-survey-data-tables-and-reports>

### *National Survey on Drug Use and Health*

The federal Substance Abuse and Mental Health Services Administration (SAMHSA) conducts the annual National Survey on Drug Use and Health (NSDUH).<sup>65</sup> The NSDUH is the primary source of information on the prevalence, patterns, and consequences of alcohol, tobacco, and illegal drug use and abuse, and mental disorders in the U.S. civilian, noninstitutionalized population, age 12 and older. The survey generates estimates at the national, state, and sub-state levels. The NSDUH is state-based, with an independent, multistage area probability sample within each state and the District of Columbia.

SAMHSA produces state-level estimates from a two-year rolling sample. This means that each year presented in this report actually represents two years of data. The two-year usage prevalence rates for Colorado residents 12 to 17 years old are based on weighted estimates from between 500 to 650 survey respondents.

The proportion of Colorado youth reporting marijuana use in the past 30 days was significantly higher than the national average for the entire period from 2008/2009 through 2015/2016 (Figure 86).<sup>66</sup> The 2015/2016 30-day marijuana use percentage in Colorado (9.1%) was significantly lower than the 2014/2015 estimate (11.1%) and was equal to the 2007/2008 estimate. A map with state-level estimates

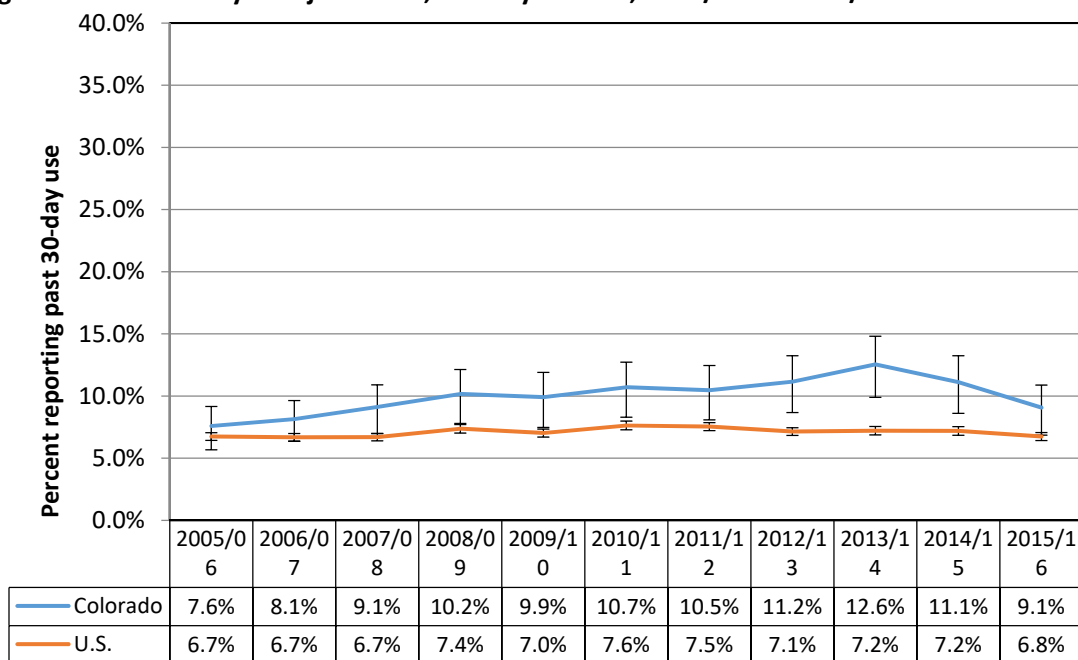
<sup>65</sup> Descriptions of the NSDUH are derived from information available at <http://www.samhsa.gov/data/population-data-nsduh/reports>.

<sup>66</sup> SAMHSA produces *p*-value tables that compare different geographic areas. *P*-values below .05 are considered statistically significant.



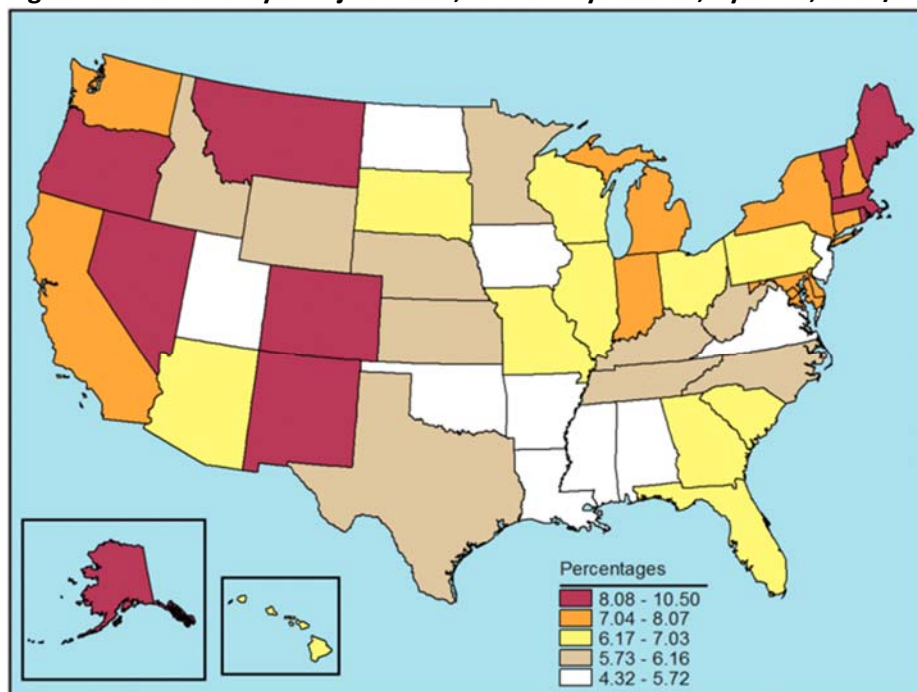
of 30-day usage is presented in Figure 87 and indicates that Colorado was in the top 20% of states for youth marijuana usage.

**Figure 86. Past 30-day marijuana use, 12–17 years old, 2005/2006–2015/2016: NSDUH**



Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>

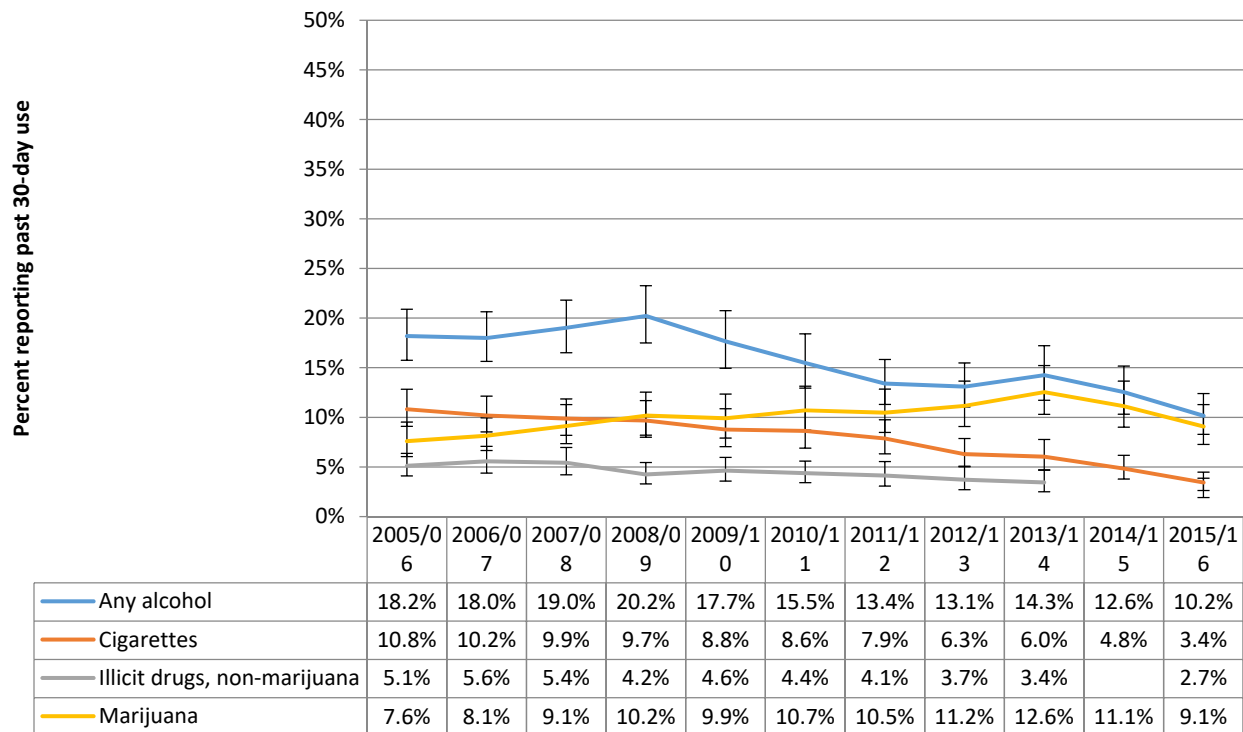
**Figure 87. Past 30-day marijuana use, 12- to 17-year-olds, by state, 2015/2016**



Source: Substance Abuse and Mental Health Services Administration (2018), National Survey on Drug Use and Health, *2015-16 National Survey on Drug Use and Health National Maps of Prevalence Estimates, by State*. Available at <https://www.samhsa.gov/data/sites/default/files/NSDUHsaeMaps2016/NSDUHsaeMaps2016.pdf>

Overall substance use among teens was decreasing, with reductions in alcohol, cigarette, marijuana, and illicit drug use other than marijuana over the past eight years (Figure 88).

**Figure 88. Past 30-day substance use in Colorado, 12–17 years old, 2005/2006–2015/2016: NSDUH**

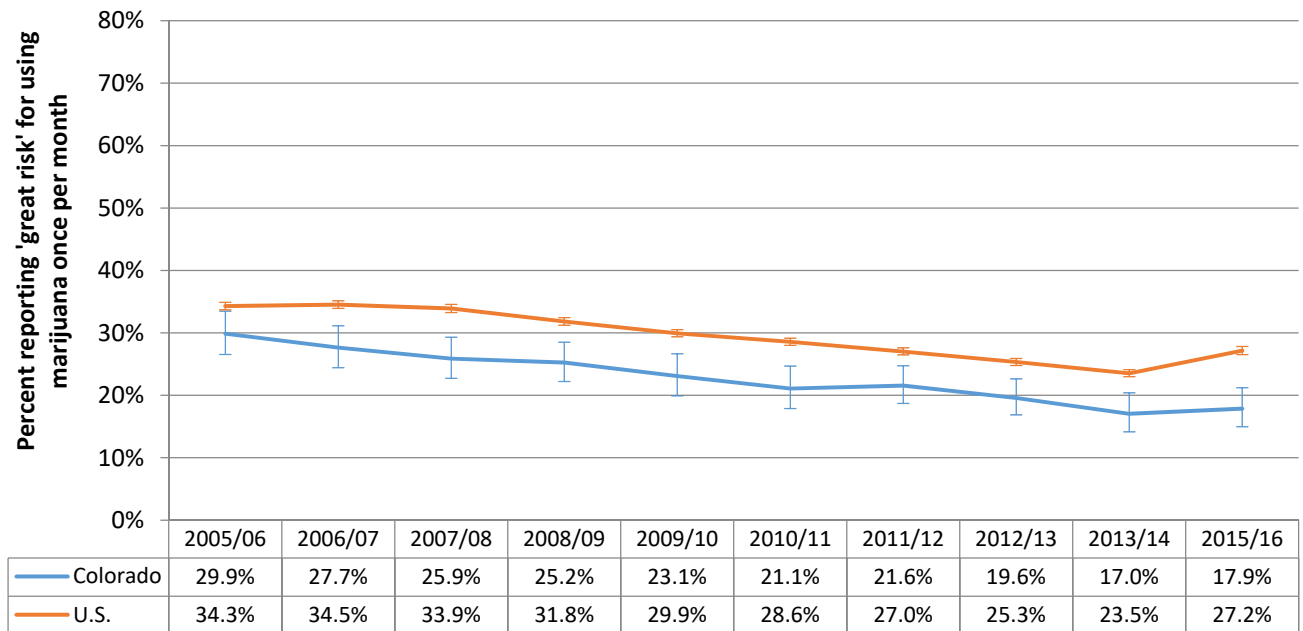


Note: There were no state-level estimates for use of illicit drugs other than marijuana in 2014/2015.

Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>

Colorado youths' perceptions of great risk for using marijuana once per month have been consistently lower than the national average (Figure 89). Both the Colorado and national trends have shown declines in perception of risk. The perception of great risk from using marijuana once a month among Colorado youth declined from 29.9% in 2005/2006 to 17.9% in 2015/2016. The perception of great risk in Colorado for 2015/2016 was significantly lower than the national figure, but the gap between the two remained relatively consistent, at five to six percentage points.

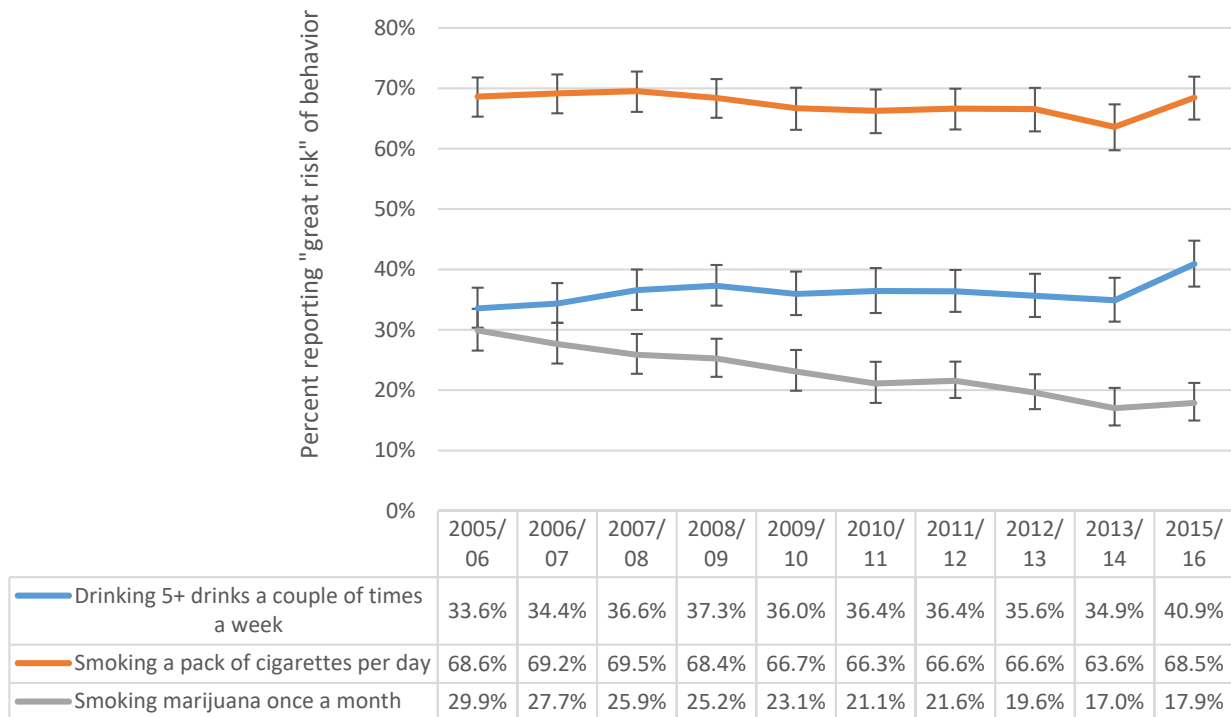
**Figure 89. Perception of great risk for using marijuana once a month, 12– to 17-year old, 2005/2006–2015/2016: NSDUH**



Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>

As shown in Figure 90, the reduced perception of risk for marijuana use once-per-month contrasts with very little change in the perception of great risk for regular cigarette smoking (one pack per day) or binge drinking (five or more drinks a couple times a week). However, the difference in the frequency of the behavior in question should be noted and taken into consideration when interpreting this disparity.

**Figure 90. Perception of great risk for using various substances, 12- to 17-year olds, 2005/2006–2015/2016: NSDUH**



Note: There were no state-level estimates in 2014/2015.

Source: Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, at <https://www.samhsa.gov/data/data-we-collect/nsduh-national-survey-drug-use-and-health>

### Summary of Survey Data

In sum, data on youth use was available from two sources, the Healthy Kids Colorado Survey, with over 53,000 students responding in 2017 and the National Survey on Drug Use and Health, with about 550 respondents. The 2017 HKCS results indicated no change in high school students' past 30-day use of marijuana from 2015. The 2017 HKCS found that, among current marijuana users, using marijuana edibles or dabbing marijuana concentrate increased between 2015 and 2017.

## Criminal Justice Involvement

### Arrest Trends

The total number of juvenile marijuana arrests decreased from 3,168 in 2012 to 2,655 in 2017 (-16%) (Table 37). The juvenile marijuana arrest rate decreased 22%, from 583 per 100,000 population 10–17 years old in 2012 to 453 in 2017 (Table 38). The demographic characteristics behind this change show some differences in trends based on gender and race/ethnicity. The number of females arrested in 2017 (751) was up 9% from the 2012 total (690) but when controlling for the increase in the population, the rate was effectively unchanged (Tables 37 and 38). This contrasts with the decrease in the number (-23%) and rate (-29%) of male juvenile arrests between 2012 and 2017 (Tables 37 and 38).

The rate (-30%) and number (-30%) of White juveniles arrested decreased during this period. The rate and number of arrests for the largest minority populations also decreased: the rate (-31%) and number (-16%) of Hispanic juvenile arrests decreased, and the rate (-23%) and number (-19%) of Black juvenile arrests also decreased (Tables 37 and 38). The arrest rate for Black juveniles (642 per 100,000) was 24% above that of Whites (517 per 100,000) and 74% higher than the Hispanic rate (369 per 100,000)

Finally, the most common type of juvenile marijuana arrest was possession, which made up 90% of these arrests in 2017.

**Table 37. Juvenile marijuana arrests, by demographics and crime type, 2012–2017**

|                    | Number of marijuana arrests |       |       |       |       |       |
|--------------------|-----------------------------|-------|-------|-------|-------|-------|
|                    | 2012                        | 2013  | 2014  | 2015  | 2016  | 2017  |
| 10 to 17 years old |                             |       |       |       |       |       |
| Total              | 3,168                       | 3,030 | 3,325 | 2,956 | 2,615 | 2,655 |
| Race               |                             |       |       |       |       |       |
| White non-Hispanic | 2,146                       | 1,961 | 1,984 | 1,803 | 1,613 | 1,703 |
| Hispanic           | 767                         | 773   | 972   | 858   | 741   | 733   |
| Black non-Hispanic | 202                         | 258   | 318   | 263   | 221   | 172   |
| Other              | 53                          | 38    | 51    | 32    | 40    | 47    |
| Gender             |                             |       |       |       |       |       |
| Male               | 2,478                       | 2,318 | 2,451 | 2,185 | 1,882 | 1,904 |
| Female             | 690                         | 712   | 874   | 771   | 733   | 751   |
| Drug crime type    |                             |       |       |       |       |       |
| Sales              | 41                          | 44    | 52    | 23    | 35    | 40    |
| Smuggling          | 2                           | 1     |       |       |       |       |
| Possession         | 2,859                       | 2,731 | 3,127 | 2,335 | 2,321 | 2,171 |
| Production         | 5                           | 4     | 3     |       | 5     | 3     |
| Unspecified        | 328                         | 345   | 218   | 123   | 140   | 190   |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System.

**Table 38. Juvenile marijuana arrest rates (per 100,000 population), by demographics and crime type, 2012–2017**

|                    | Marijuana arrest rate (per 100,000 population) |      |       |      |      |      |
|--------------------|------------------------------------------------|------|-------|------|------|------|
|                    | 2012                                           | 2013 | 2014  | 2015 | 2016 | 2017 |
| 10 to 17 years old |                                                |      |       |      |      |      |
| Total              | 583                                            | 550  | 595   | 519  | 453  | 453  |
| Race               |                                                |      |       |      |      |      |
| White non-Hispanic | 654                                            | 598  | 604   | 548  | 489  | 517  |
| Hispanic           | 469                                            | 455  | 550   | 464  | 388  | 369  |
| Black non-Hispanic | 787                                            | 998  | 1,226 | 999  | 832  | 642  |
| Other              | 203                                            | 141  | 183   | 110  | 134  | 152  |
| Gender             |                                                |      |       |      |      |      |
| Male               | 891                                            | 824  | 859   | 752  | 639  | 636  |
| Female             | 260                                            | 264  | 319   | 277  | 259  | 262  |
| Drug crime type    |                                                |      |       |      |      |      |

|             | Marijuana arrest rate (per 100,000 population) |      |      |      |      |      |
|-------------|------------------------------------------------|------|------|------|------|------|
|             | 2012                                           | 2013 | 2014 | 2015 | 2016 | 2017 |
| Sales       | 8                                              | 8    | 9    | 4    | 6    | 7    |
| Smuggling   | 0                                              | 0    | 0    | 0    | 0    | 0    |
| Possession  | 526                                            | 496  | 559  | 410  | 402  | 371  |
| Production  | 1                                              | 1    | 1    | 0    | 1    | 1    |
| Unspecified | 60                                             | 63   | 39   | 22   | 24   | 32   |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System; Colorado State Office of Demography.

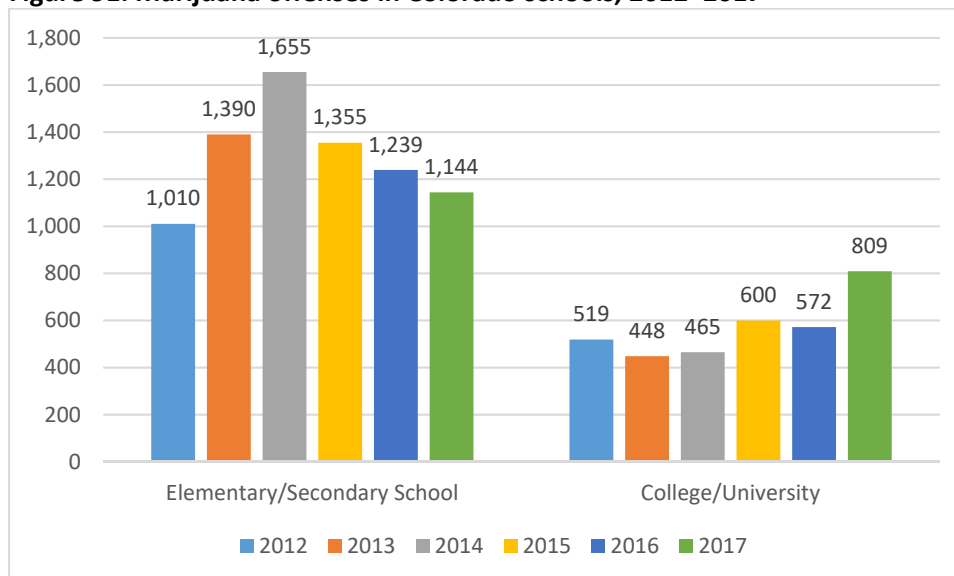
Note: The rates for total arrests and rates by drug crime type were calculated based on the population 10-17 years old. The rates for race/ethnicity and gender were calculated on the population of 10-17 year olds in those respective groups.

## School Data

### Offense Trends

The National Incident-Based Reporting System (NIBRS) captures information on the place where an offense was reported to have occurred. There are 57 categories, which include locations such as public transportation, bars, convenience stores, homes, parks, parking lots, primary/secondary schools, colleges, etc. The number of offenses in elementary/secondary schools increased 64% from 2012 to 2014, but has since decreased; the 2017 total (1,144) was 13% above 2012 (Figure 91). The number of offenses reported on college and university campuses was relatively stable from 2012 through 2016, but the 2017 number (809) was 56% above the number reported in 2012 incident figures (519).

**Figure 91. Marijuana offenses in Colorado schools, 2012–2017**



Source: Colorado Bureau of Investigation, National Incident-Based Reporting System.

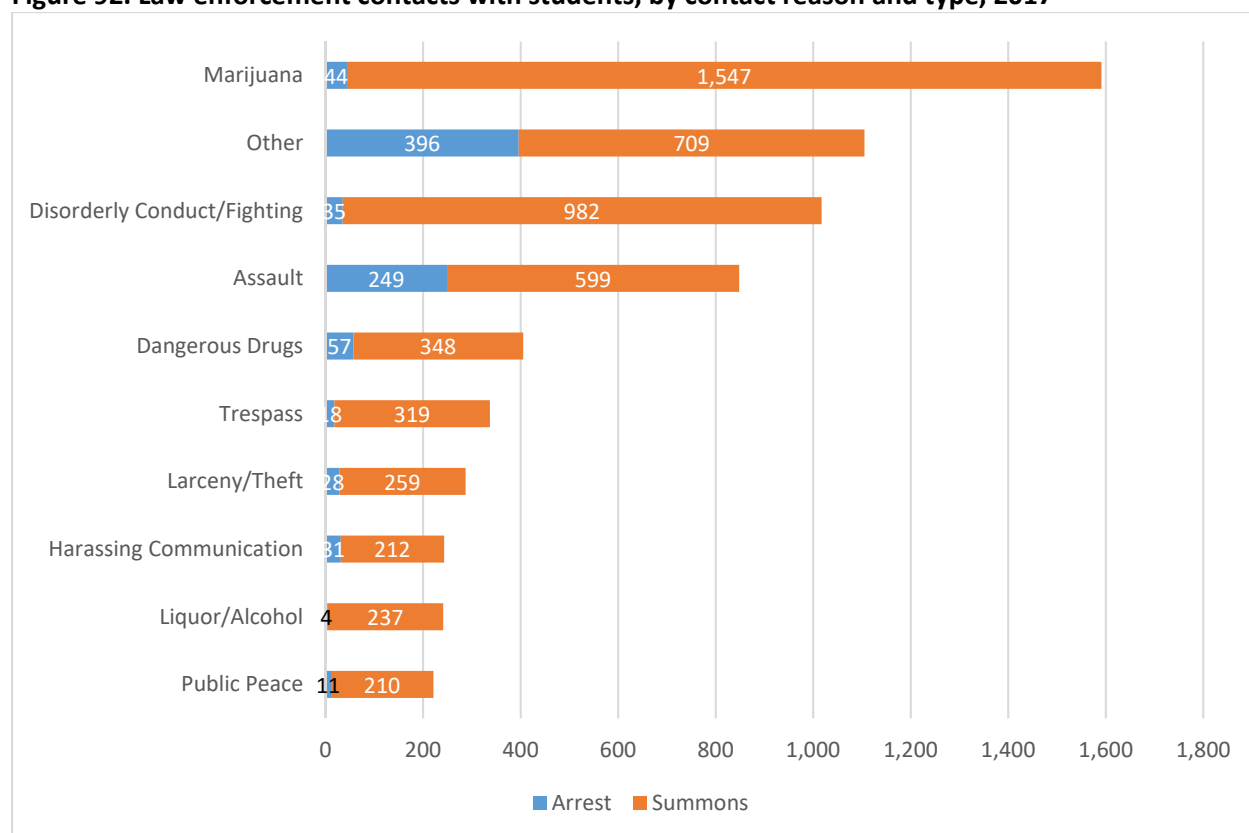
Note: Prior to 2012 school/university was a single location code. There were 258 offenses in 2012 using this more generic location code; these are not included in the totals because it is not possible to determine the specific location.

### Law Enforcement Contacts with Students

Colorado Revised Statute 22-32-146(5) mandates that local law enforcement agencies annually report specific information to the Division of Criminal Justice (DCJ) concerning every incident that resulted in a student's arrest, summons or ticket during the previous academic year for an offense that occurred at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event. In the 2016-2017 school year, approximately 60% of law enforcement agencies reported no events to DCJ. It is unknown if this occurred because there were no incidents at schools in these jurisdictions, or if these agencies were unaware of the reporting mandated by House Bill 2015-1273.<sup>67</sup>

Figure 92 presents the most common reasons for law enforcement contact among those agencies that reported to DCJ, with marijuana at the top of the list. The 1,591 contacts for marijuana account for 25% of all contacts reported in 2016-2017 (6,295). The vast majority of these contacts resulted in a summons (97%) rather than an arrest (3%).

**Figure 92. Law enforcement contacts with students, by contact reason and type, 2017**

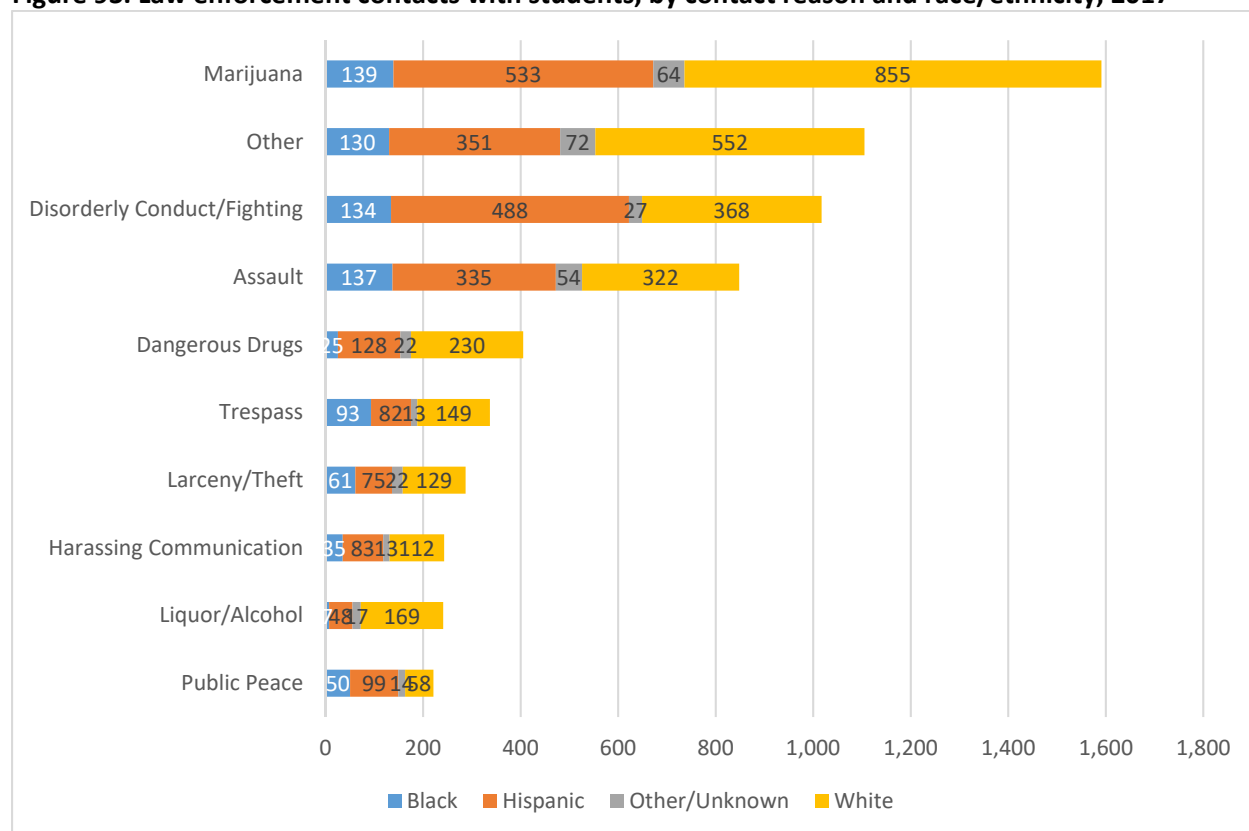


Source. Colorado Division of Criminal Justice (2018). Law Enforcement Contacts with Students, Academic Year 2016-17. See [https://www.colorado.gov/pacific/dcj-ors/StudentContact\\_SD](https://www.colorado.gov/pacific/dcj-ors/StudentContact_SD)

<sup>67</sup> For additional information please visit [https://www.colorado.gov/pacific/dcj-ors/StudentContact\\_SD](https://www.colorado.gov/pacific/dcj-ors/StudentContact_SD).

Figure 93 shows the type of law enforcement contact by race/ethnicity, where Whites comprise 54% of contacted students, Hispanics 34%, and Blacks 9%.

**Figure 93. Law enforcement contacts with students, by contact reason and race/ethnicity, 2017**



Source. Colorado Division of Criminal Justice (2018). Law Enforcement Contacts with Students, Academic Year 2016-17. See [https://www.colorado.gov/pacific/dcj-ors/StudentContact\\_SD](https://www.colorado.gov/pacific/dcj-ors/StudentContact_SD).

### School Discipline Data Trends

Many educators, law enforcement officials, school counselors, and others who work with juveniles are concerned that marijuana legalization could lead to an increase in school discipline for drug-related activity. School discipline, including suspension or expulsion, can disrupt academic achievement, increase the probability of future involvement in the justice system, and normalize punitive social control early in a student's life.<sup>68</sup>

The Colorado Department of Education reports disciplinary data on suspensions, expulsions, and law enforcement referrals for each school year.<sup>69</sup> A number of reasons for discipline are reported, including

<sup>68</sup> Ramey, D. (2016). The influence of early school punishment and therapy/medication on social control experiences during young adulthood, *Criminology*, Online Early publication, available at <http://onlinelibrary.wiley.com/doi/10.1111/1745-9125.12095/abstract>.

<sup>69</sup> Colorado Department of Education, Suspension and expulsion statistics, available at <http://www.cde.state.co.us/cdereval/suspend-expelcurrent>.



drugs, alcohol, tobacco, serious assault, minor assault, robbery, other felonies, disobedience, detrimental behavior, destruction of property, and other violations. The drug category covers all drugs and does not break out marijuana separately. However, since marijuana is currently the most commonly used illicit drug in elementary and secondary schools (tobacco and alcohol are tracked in separate categories), changes in trends are likely to be related to changes in use and possession of marijuana on school grounds or changes to school response or reporting of illicit drug use. In 2015, legislation was passed instructing the Department of Education to begin collecting discipline data about marijuana separately from other drugs. The first full year of marijuana-specific data became available for the 2016–2017 school year.

Prior to the 2012 school year, legislation (Senate Bill 12-046 and House Bill 12-1345) modified some zero-tolerance policies that had resulted in what some considered “unnecessary expulsions, suspensions, and law enforcement referrals.”<sup>70</sup> *This change in the law should be taken into account when examining disciplinary trends.*

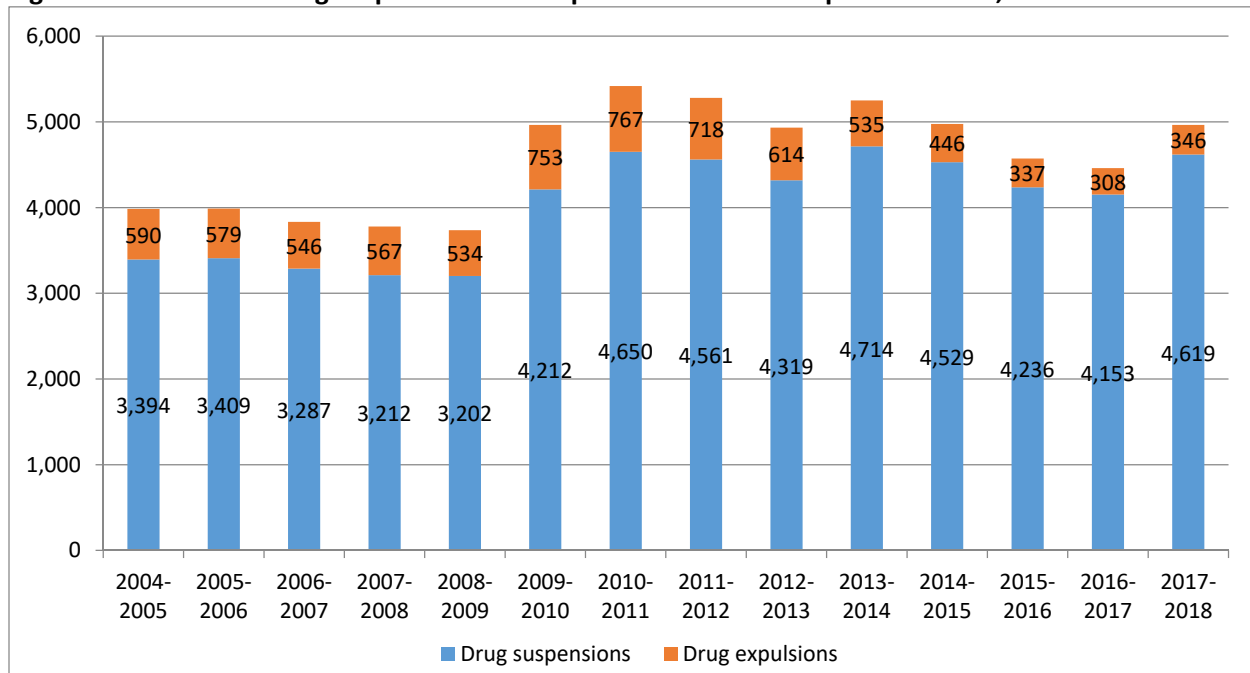
Data regarding suspensions, expulsions, and law enforcement referrals are publicly available at the Colorado Department of Education’s website. These raw numbers were transformed into rates per 100,000 students to take the increased number of students into account.<sup>71</sup> Specifically, in the 2008–2009 school year, 818,443 students were enrolled in Colorado schools and, by 2017–2018, that number increased to 910,280.<sup>72</sup> A student may be involved in more than one disciplinary incident, so these rates do not equate to the percentage of students receiving disciplinary action in a given year.

The number of suspensions and expulsions for drugs increased between 2008–2009 and 2009–2010 at 5,417 and 5,279, respectively, but has remained relatively stable at between 4,500 and 5,000 (Figure 94) through 2017–2018.

<sup>70</sup> Colorado School Safety Resource Center, Discipline in Schools, available at <https://www.colorado.gov/pacific/cssrc/discipline-schools>.

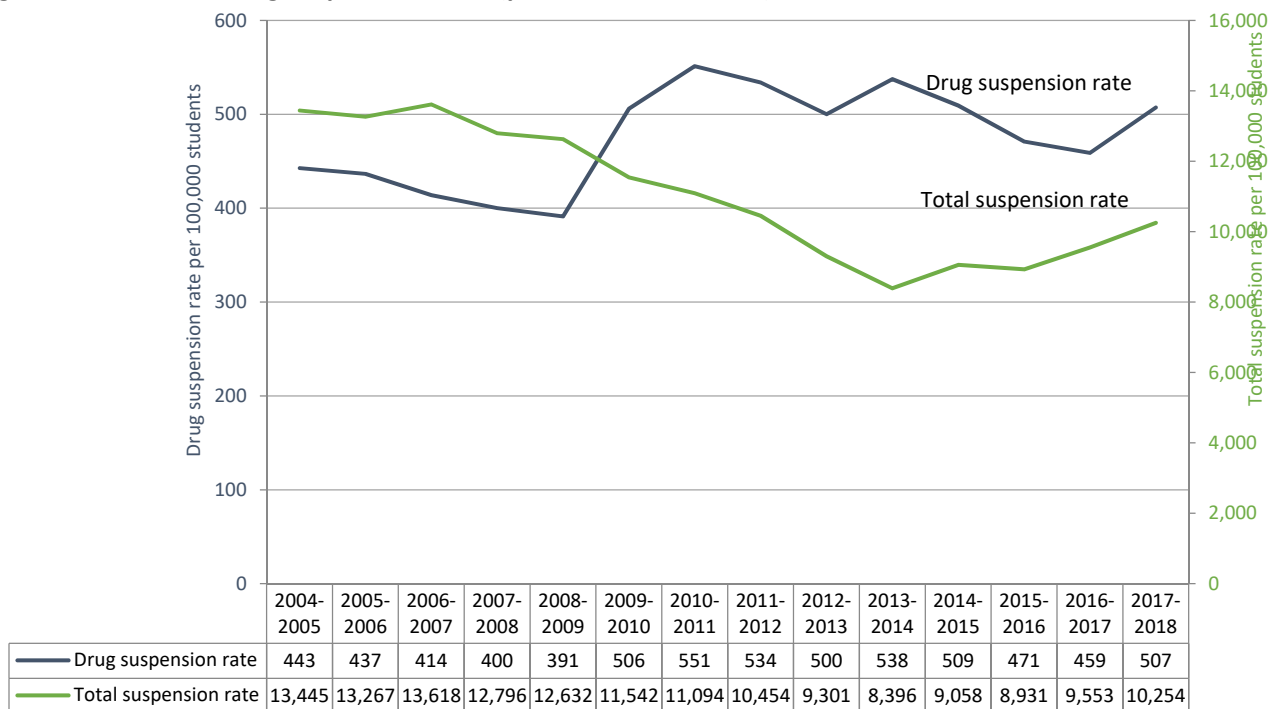
<sup>71</sup> The raw numbers are included in Appendix F, Table 12.

<sup>72</sup> Colorado Department of Education, pupil membership, available at <http://www.cde.state.co.us/cdereval/pupilcurrent>.

**Figure 94. Number of drug suspensions and expulsions in Colorado public schools, 2004–2018**

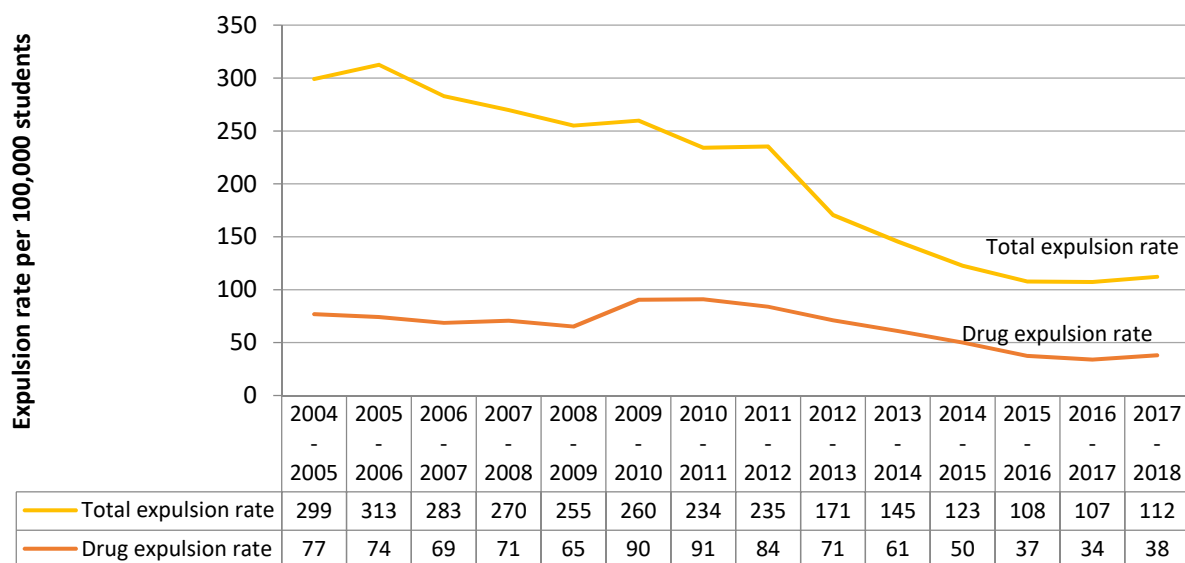
Source: Colorado Department of Education, at <http://www.cde.state.co.us/cdereval/suspend-expelcurrent>.

The drug suspension rate began to increase in 2009–2010, up 29% from 2008–2009. Since that increase, the drug suspension rate has remained relatively stable, with a slight decrease in the last two years (Figure 95). This contrasts with the overall suspension rate for any school code of conduct violation, which has increased in the past four years.

**Figure 95. Total and drug suspension rates (per 100,000 students), 2004–2018**

Source: Colorado Department of Education, at <http://www.cde.state.co.us/cdereval/suspend-expelcurrent>.

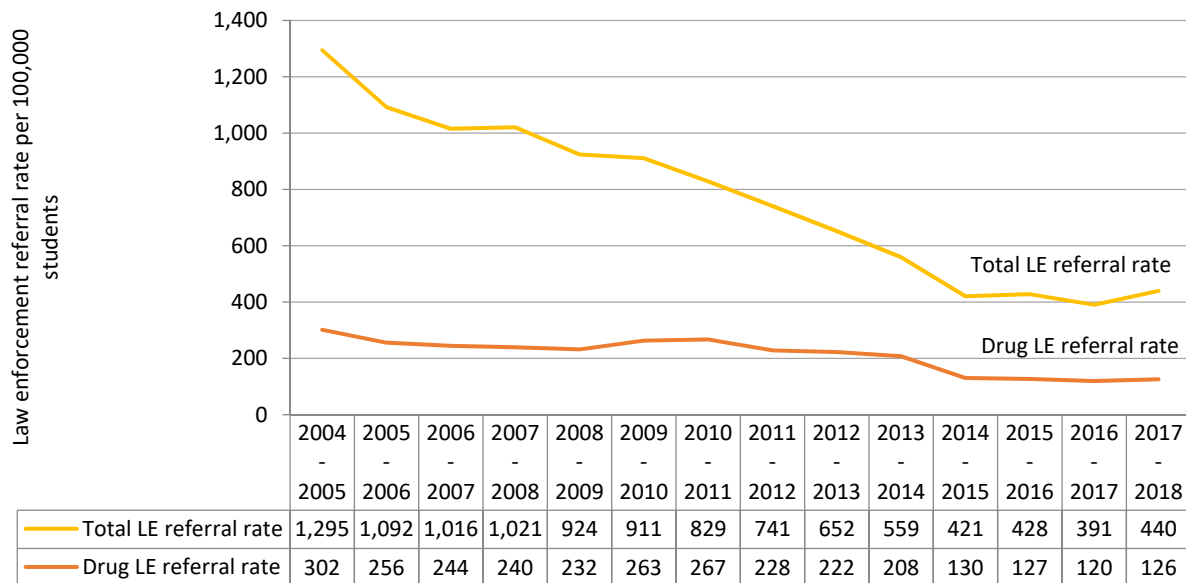
The drug expulsion rate decreased 16% between 2004–2005 and 2008–2009 (Figure 96). The drug expulsion rate increased 39% in 2009–2010, plateaued in 2010–2011, and then began to gradually decrease. This decrease occurred in conjunction with a decline in the total expulsion rate.

**Figure 96. Total and drug expulsion rates (per 100,000 students), 2004–2018**

Source: Colorado Department of Education, at <http://www.cde.state.co.us/cdereval/suspend-expelcurrent>.

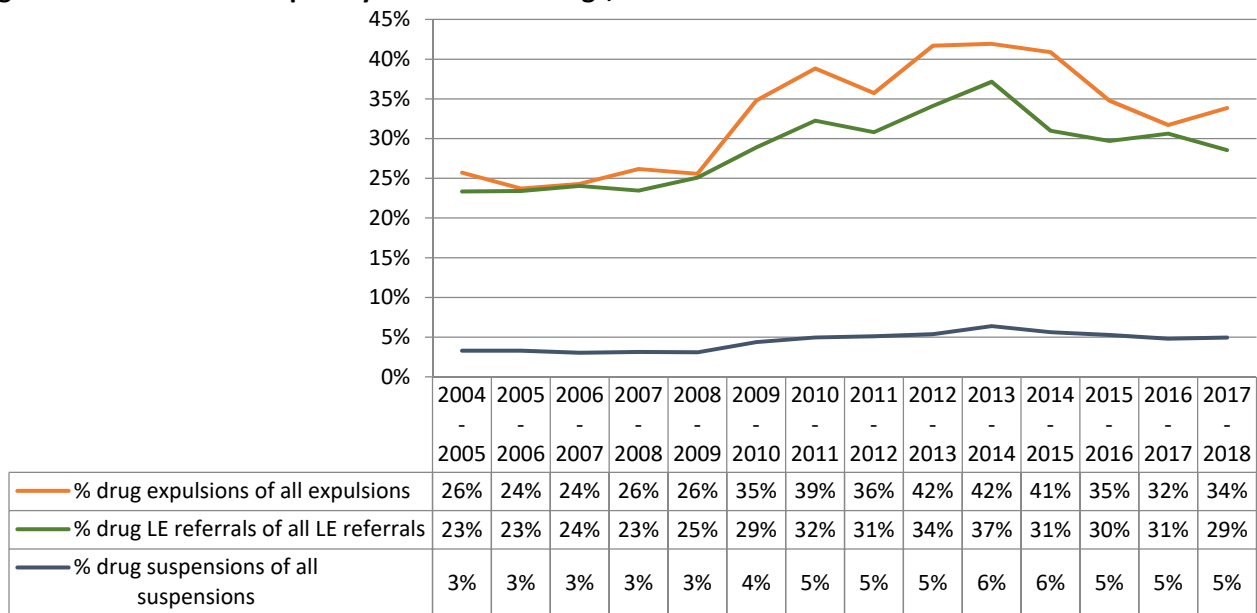
The law enforcement referral rate for drug-related behaviors was relatively stable from 2005–2006 through 2012–2013, but declined 43% between 2012–2013 and 2016–2017 (Figure 97). The reasons for this decline are not entirely clear. Discussions with school administrators point to changes in policies regarding referrals to law enforcement rather than a reduction in student possession or use.

**Figure 97. Total and drug law enforcement referral rates per 100,000 students, 2004–2018**



Source: Colorado Department of Education, at <http://www.cde.state.co.us/cdereval/suspend-expelcurrent>.

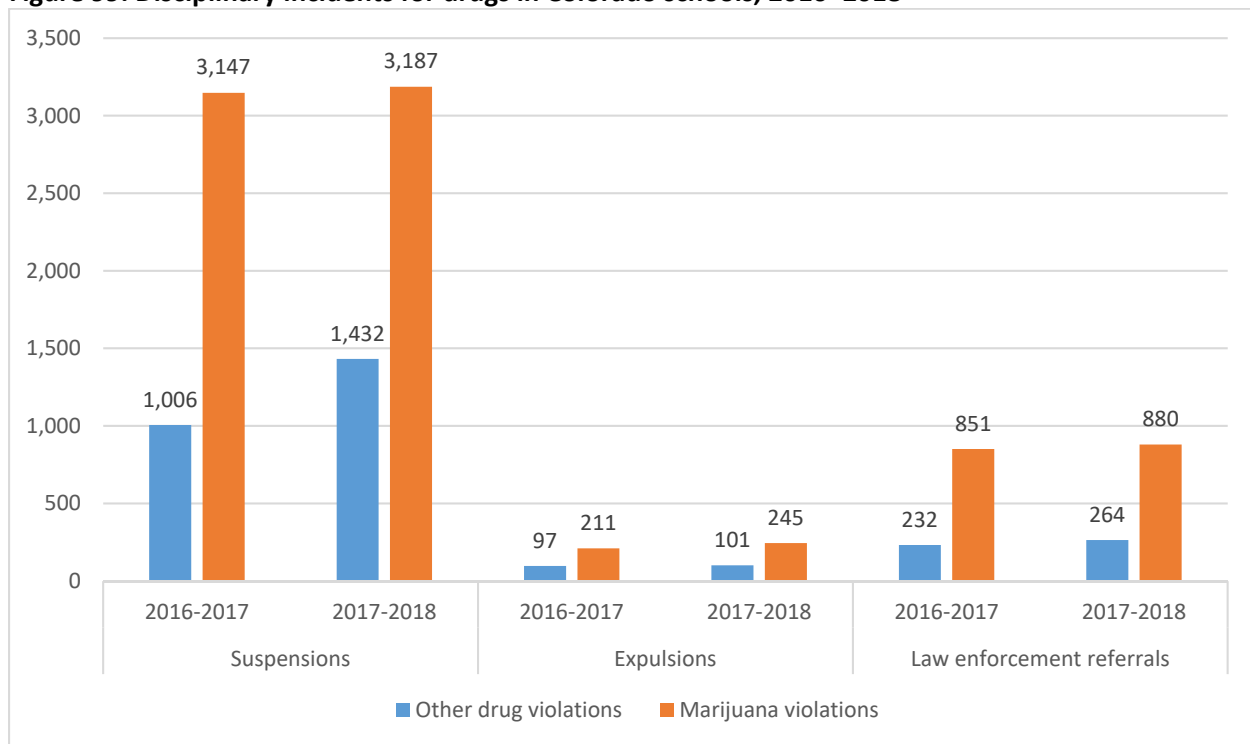
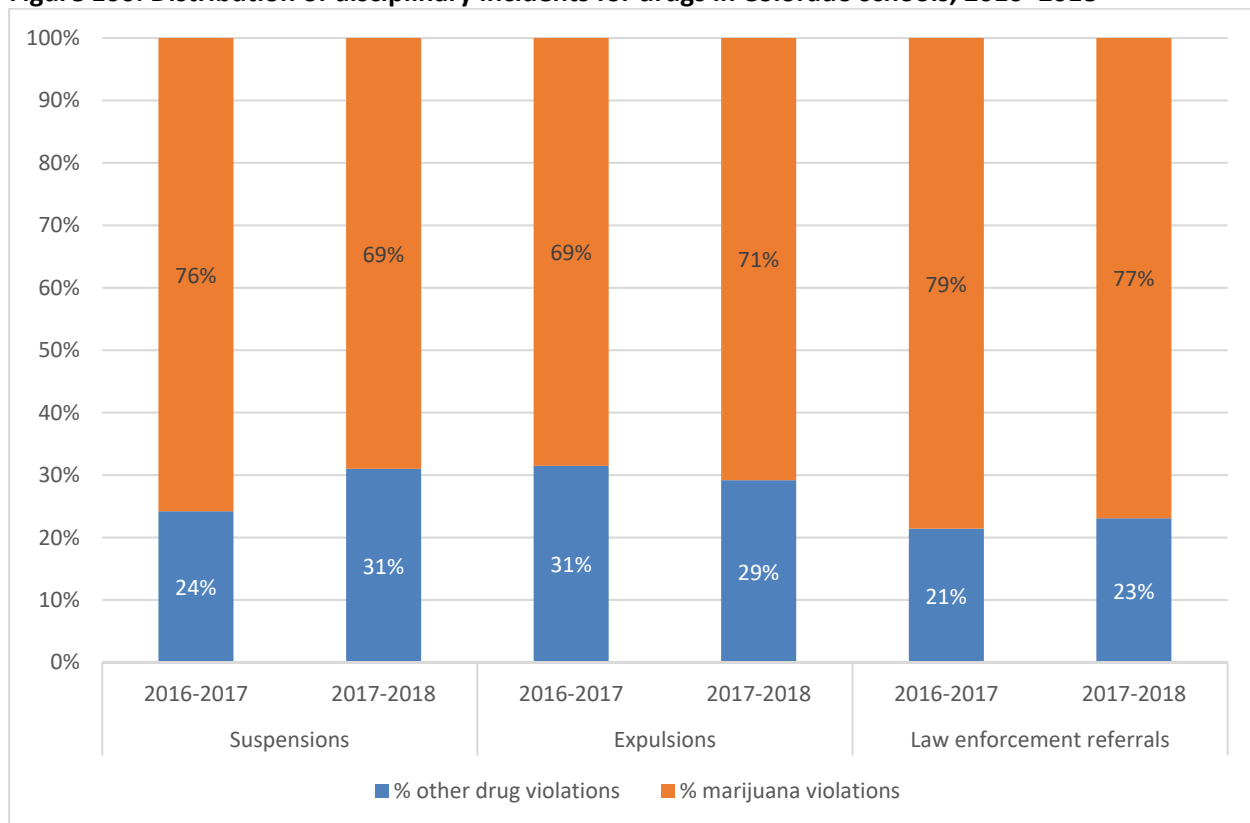
The percentage of drug expulsions among all expulsions was stable from 2004–2005 to 2008–2009, at around 25% (Figure 98). It increased by 16 percentage points, from 26% to 42%, in 2012–2013. Since that high point, it has come down eight percentage points, standing at 34% in 2017–2018. The percentage of drug-related behavior referrals among all law enforcement referrals follows a similar pattern. It was stable from 2004–2005 to 2008–2009 at around 23%, began to increase in 2009–2010, peaked in 2013–2014 at 37% of all law enforcement referrals, and dropped to 29% in 2017–2018. The percentage of drug suspensions among all suspensions has remained at around 5%–6% of all suspensions.

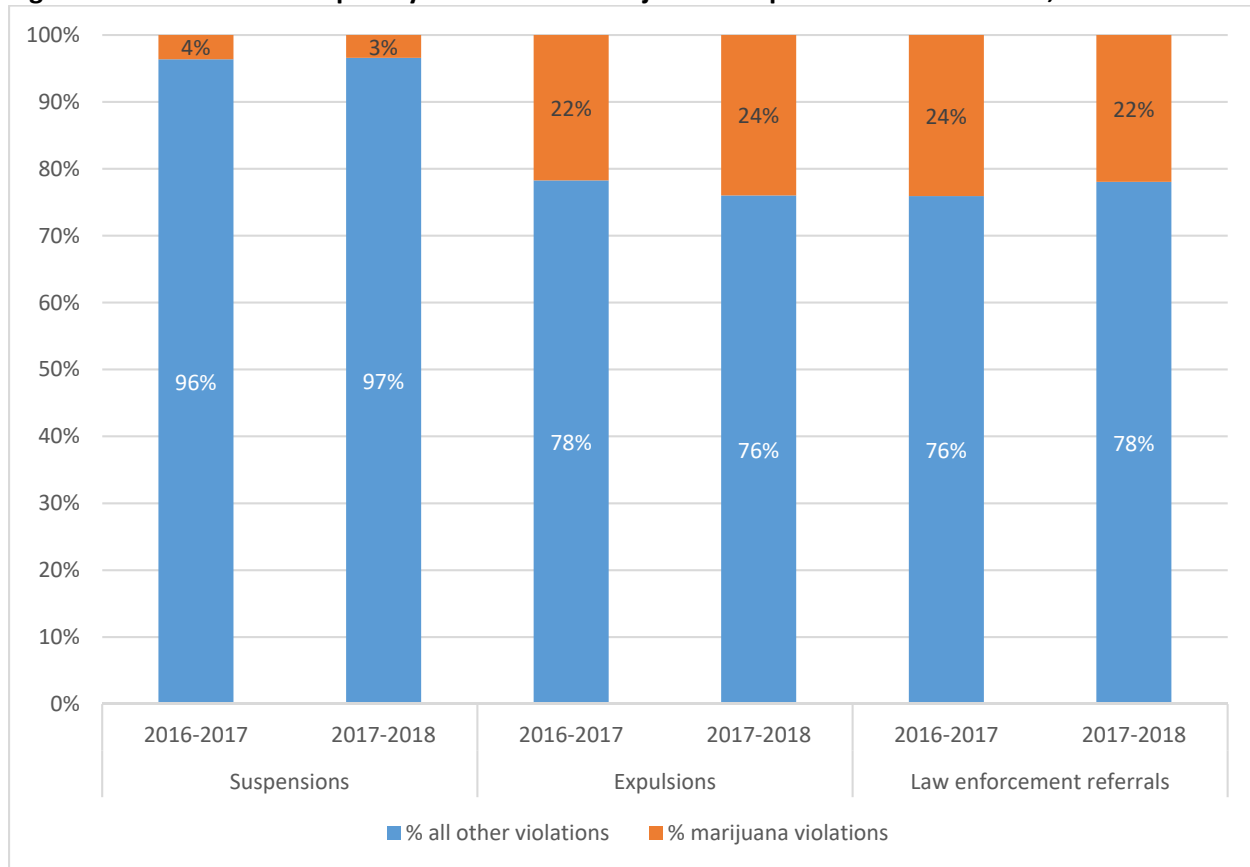
**Figure 98. Percent of disciplinary incidents for drugs, 2004–2018**

Source: Colorado Department of Education, at <http://www.cde.state.co.us/cdereval/suspend-expelcurrent>.

The 2016-2017 school year was the first full year of reporting marijuana separately from other drugs as a disciplinary reason. Figures 99 and 100 present information on disciplinary incidents for both marijuana and other drugs. Since only two years of data were available, it is not possible to determine a trend (Figure 99). However, in 2017-2018, marijuana accounted for about 70% of suspensions or expulsions for drugs and almost 80% of law enforcement referrals for drugs (Figure 100).

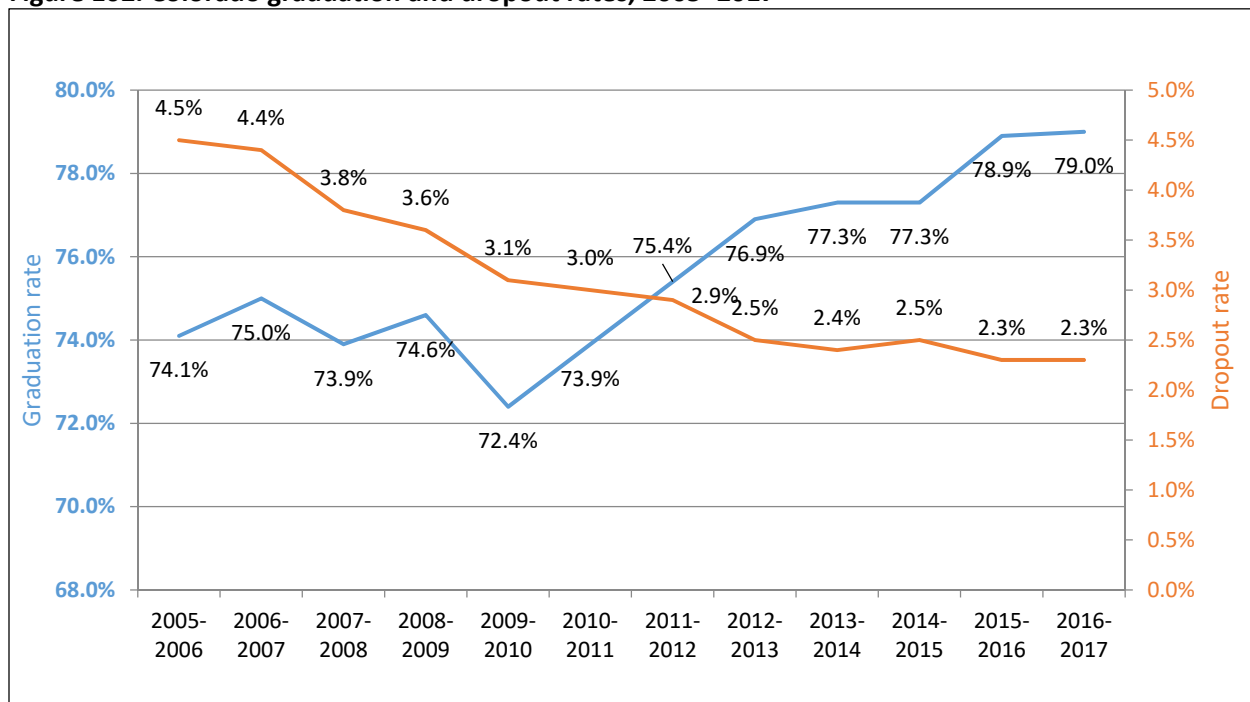
In the context of all disciplinary incidents, marijuana accounted for 3% of all suspensions, was related to 24% of all expulsions and 22% of all law enforcement referrals in the 2017-18 school year (Figure 101).

**Figure 99. Disciplinary incidents for drugs in Colorado schools, 2016–2018****Figure 100. Distribution of disciplinary incidents for drugs in Colorado schools, 2016–2018**

**Figure 101. Percent of disciplinary incidents for marijuana compared to other reasons, 2016–2018**

Source: Colorado Department of Education, at <http://www.cde.state.co.us/cdereval/suspend-expelcurrent>.

There was concern among legalization stakeholders that school dropouts would increase and graduation rates would decrease after legalization. This is not reflected in the data presented in Figure 102.

**Figure 102. Colorado graduation and dropout rates, 2005–2017**

Source: Colorado Department of Education, <http://www.cde.state.co.us/cdereval>.

In sum, since legalization, reported discipline incidents due to drugs have not increased. It should be noted that recent declines in rates of suspension and expulsion, and fewer referrals to law enforcement, are likely associated with school reform efforts mandated in Senate Bill 12-046 and House Bill 12-1345.

### Probation Testing Data

Colorado's Probation Departments conduct drug tests on juvenile probationers. The frequency of testing is determined by assessment, court orders, and other case-related information. Table 39 presents information on the percentage of juvenile probationers who tested positive for THC. The percentage of the 10- to 14-year-old group testing positive for THC one or two times has remained relatively stable, at about 20%, while the percentage testing positive three or more times rose from 16% to 23%. The percentage of 15- to 17-year-olds testing positive one or two times was also stable, at around 26%, while those testing positive three or more times increased from 23% to 30%. There is currently no link between probationer drug testing results and probation status, so it remains unknown if changes in drug use patterns affect probation violations.



**Table 39. Juvenile probationer test results for THC, 2012–2017**

| Age Group          | Times tested positive            | Percent of probationers testing positive for THC |       |       |       |       |       |
|--------------------|----------------------------------|--------------------------------------------------|-------|-------|-------|-------|-------|
|                    |                                  | 2012                                             | 2013  | 2014  | 2015  | 2016  | 2017  |
| 10 to 14 years old | N probationers with test results | 652                                              | 492   | 520   | 493   | 453   | 388   |
|                    | 0 times                          | 66%                                              | 60%   | 54%   | 58%   | 51%   | 56%   |
|                    | 1-2 times                        | 19%                                              | 20%   | 25%   | 22%   | 29%   | 20%   |
|                    | 3 or more times                  | 16%                                              | 20%   | 20%   | 20%   | 20%   | 23%   |
| 15 to 17 years old | N probationers with test results | 3,377                                            | 2,599 | 2,776 | 2,643 | 2,523 | 2,324 |
|                    | 0 times                          | 50%                                              | 51%   | 48%   | 47%   | 46%   | 44%   |
|                    | 1-2 times                        | 27%                                              | 24%   | 25%   | 25%   | 26%   | 26%   |
|                    | 3 or more times                  | 23%                                              | 25%   | 27%   | 28%   | 28%   | 30%   |

Note: The number of active juvenile clients decreased from 5,156 in fiscal year 2012 to 3,549 in fiscal year 2017.

Source: Colorado Division of Probation Services.

The percentage of total tests with positive results for THC is presented in Table 40. For 10 to 14 year olds, the percentage of tests that were positive for THC increased from 31% in 2012 to 39% in 2014, where it remained in 2017. The 15- to 17-year-old group showed similar results, with 28% of tests coming back positive in 2012, increasing to 39% in 2017.

**Table 40. Percent of juvenile probationer drug test results for THC that are positive, 2012–2017**

| Age Group          | Times tested | 2012   | 2013   | 2014   | 2015   | 2016   | 2017   |
|--------------------|--------------|--------|--------|--------|--------|--------|--------|
| 10 to 14 years old | N tests      | 2,542  | 2,002  | 2,223  | 2,340  | 2,207  | 1,893  |
|                    | % positive   | 31%    | 35%    | 39%    | 37%    | 38%    | 39%    |
| 15 to 17 years old | N tests      | 23,094 | 17,241 | 20,183 | 18,737 | 18,707 | 16,394 |
|                    | % positive   | 28%    | 31%    | 33%    | 34%    | 35%    | 39%    |

Note: The number of active juvenile clients decreased from 5,156 in fiscal year 2012 to 3,549 in fiscal year 2017.

Source: Colorado Division of Probation Services.

## Drug-Endangered Children

Senate Bill 13-283 requires that information be collected on the impact of marijuana legalization on drug-endangered children. There is no agreement on the definition of that term and so no formal definition exists. The Colorado Department of Human Services does not have a method to track whether a child welfare case was prompted by any specific drug. Likewise, it is not possible to identify whether an arrest or court filing for child abuse/child endangerment has marijuana as a causal or contributing factor. This creates a significant gap in the information available on the topic.

In an attempt to address the General Assembly's concern about drug-endangered children, we use two sources of information to examine the issue. First, a statewide survey of parents about their marijuana use and product storage at home (CDPHE's Child Health Survey) is examined below. This is followed by

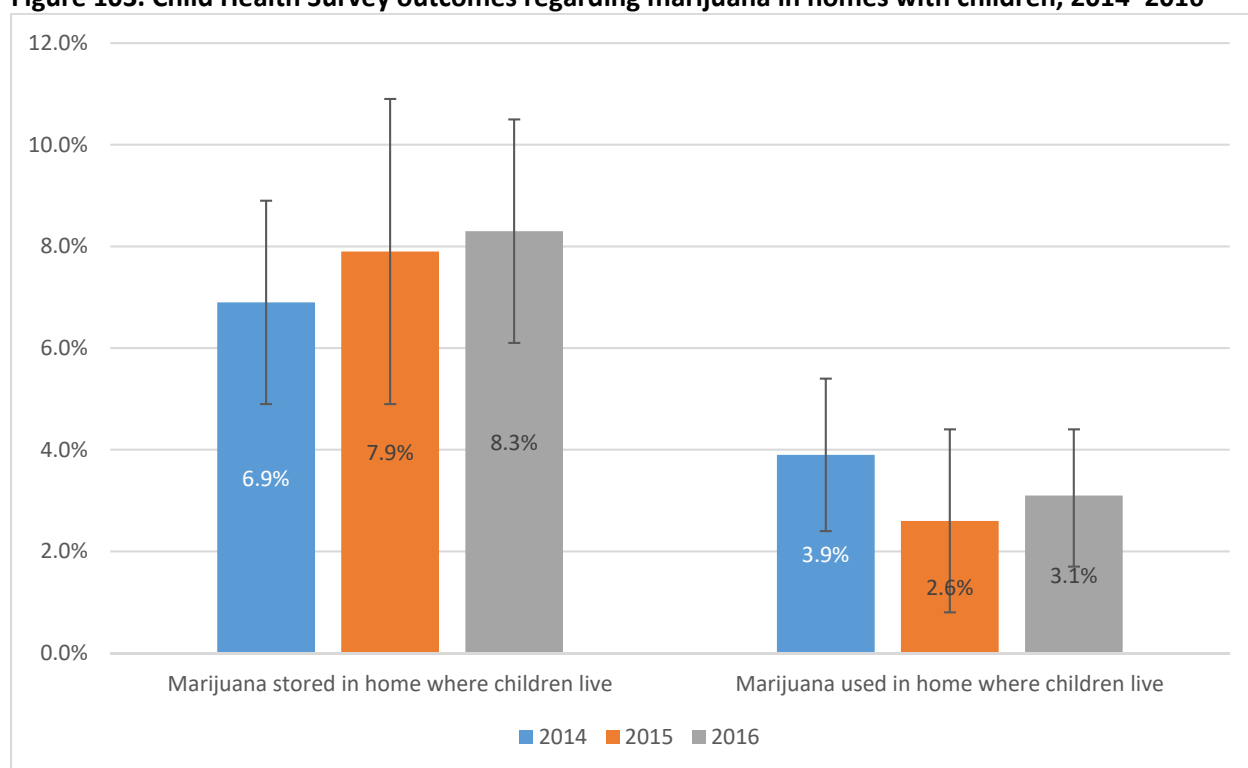
data from the Office of Behavioral Health's Drug/Alcohol Combined Data System (DACODS), examining marijuana treatment trends for people reporting dependent children under 18.

### Child Health Survey

The Child Health Survey<sup>73</sup> (CHS) is done as an adjunct to the annual Behavioral Risk Factor Surveillance Survey (BRFSS) conducted by CDPHE. Once respondents complete the BRFSS, the interviewer asks if they have a child between the ages of one and 14, and asks about their willingness to complete the Child Health Survey. The CHS asks questions on a variety of topics, including the child's physical activity, nutrition, access to health and dental care, behavioral health, school health, sun safety, injury, among others. Questions regarding parental marijuana use, storage, and consumption methods were added to the CHS in 2014.

Of homes with children ages 1–14 who participated in the 2016 BRFSS and the Child Health Survey, 8.3% reported storing marijuana in homes where children live, and 3.1% report using it in the home where children live (Figure 103).<sup>74</sup>

**Figure 103. Child Health Survey outcomes regarding marijuana in homes with children, 2014–2016**



Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Child Health Survey: Monitoring trends in marijuana use, at <https://www.colorado.gov/pacific/cdphe/marijuana-colorado-homes-children>

<sup>73</sup> Additional information about the Child Health Survey is available at <https://www.colorado.gov/pacific/cdphe/marijuana-colorado-homes-children>.

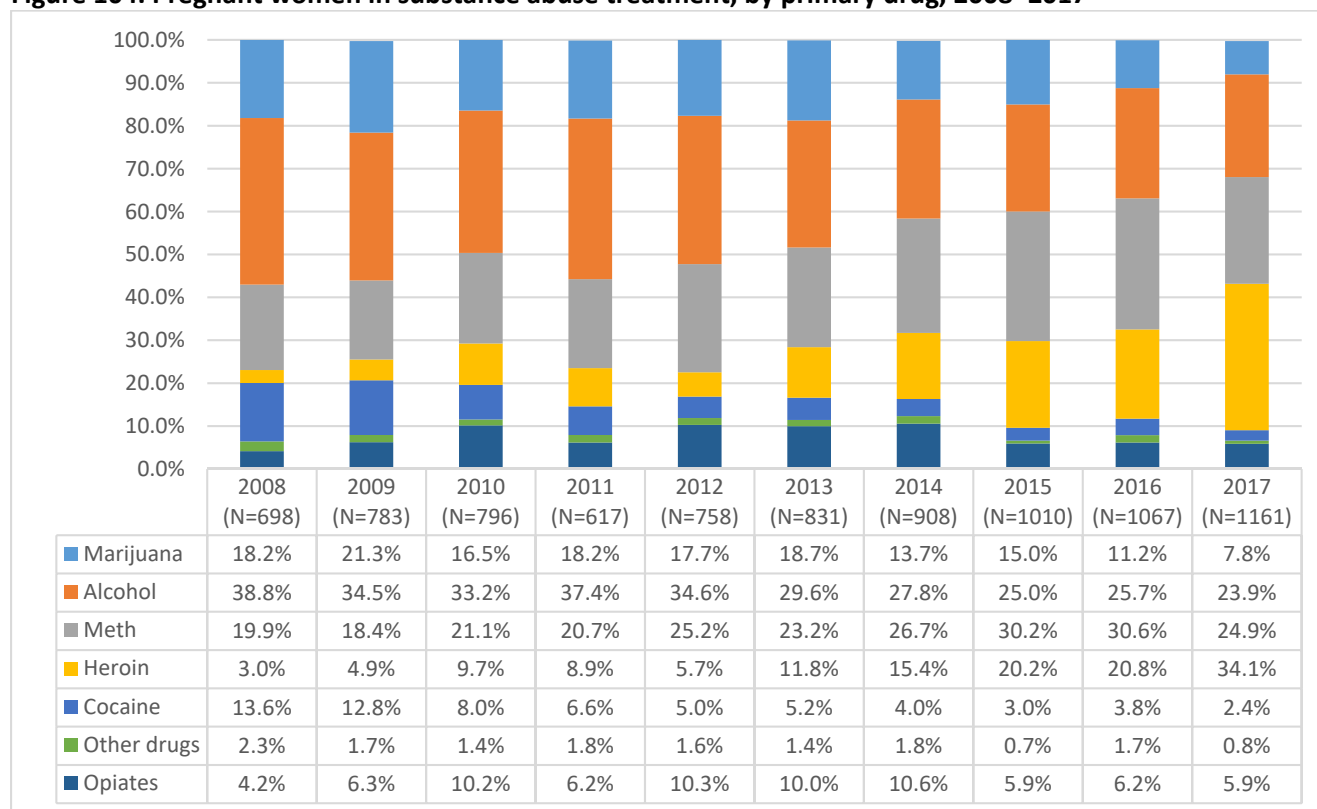
<sup>74</sup> Data for the 2017 Child Health Survey was not available at the time of this publication.

### Parental Treatment and Use Trends

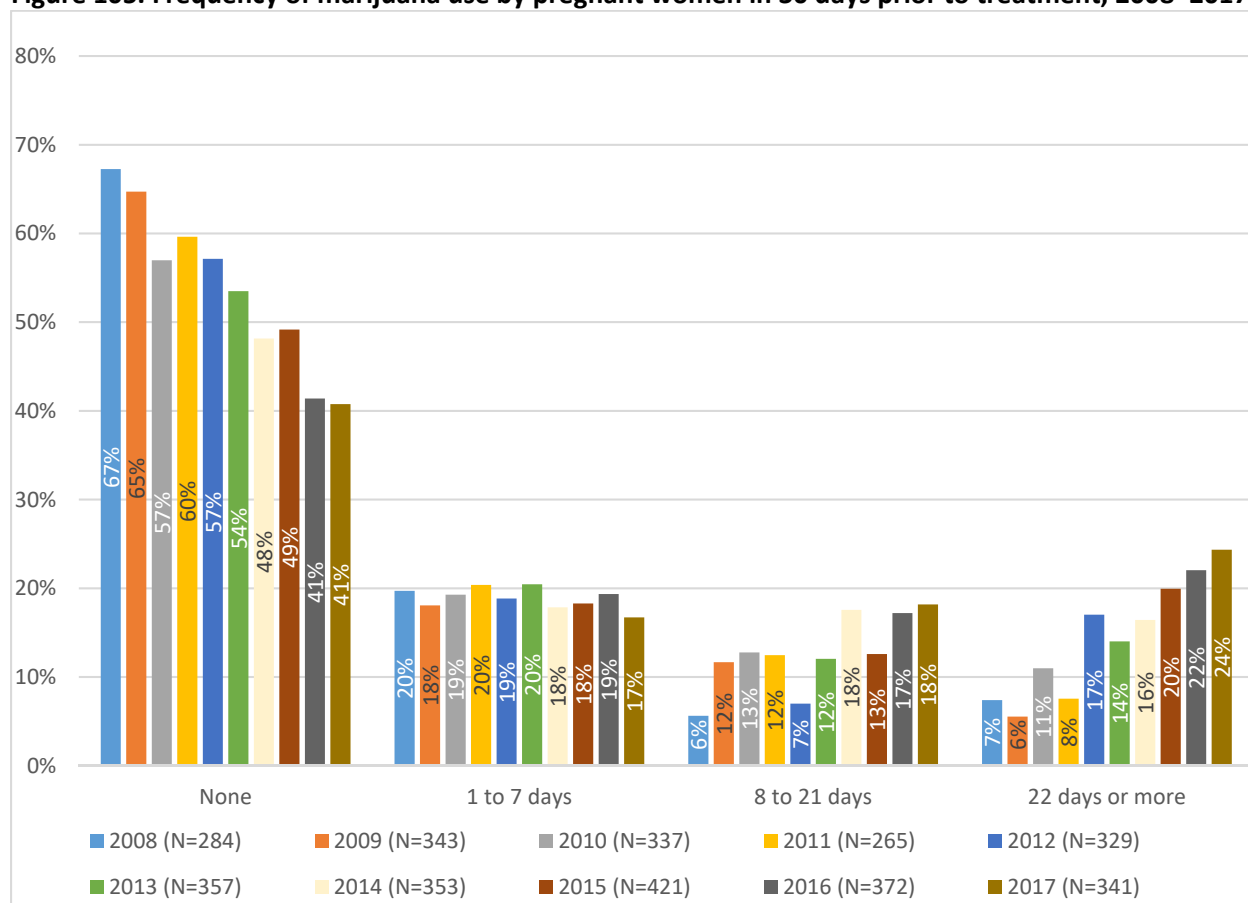
In Figure 104, the percent of pregnant women in substance abuse treatment is shown by primary drug of abuse. In 2017, heroin (34.1%), methamphetamine (24.9%), and alcohol (23.9%) were the most common drugs of abuse for which pregnant women sought treatment, with marijuana coming in fourth at 7.8%, down from 17.7% in 2012. The number of women in treatment increased from 698 in 2008 to 1161 in 2017; much of the increase was associated with heroin.

Figure 105 presents the frequency of marijuana use in the 30 days prior to treatment, over time, for pregnant women. In 2012, prior to legalization, 54% of pregnant women reported no use in the month before treatment, 7% reported using 8–21 days, while 17% reported using 22 days or more. By 2017, 41% reported no use, 18% reported using 8–21 days, and 24% reported using for 22 days or more.

**Figure 104. Pregnant women in substance abuse treatment, by primary drug, 2008–2017**



Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System. Analyzed by the Division of Criminal Justice.

**Figure 105. Frequency of marijuana use by pregnant women in 30 days prior to treatment, 2008–2017**

Source: Colorado Department of Human Services, Office of Behavioral Health, Drug/Alcohol Coordinated Data System.

Note: This includes frequency of use where marijuana was either primary, secondary, or tertiary drug of abuse.

### *Pregnancy Risk Assessment Monitoring System*

The Pregnancy Risk Assessment Monitoring System (PRAMS) is a surveillance system designed to identify and monitor behaviors and experiences of women before, during and after pregnancy.

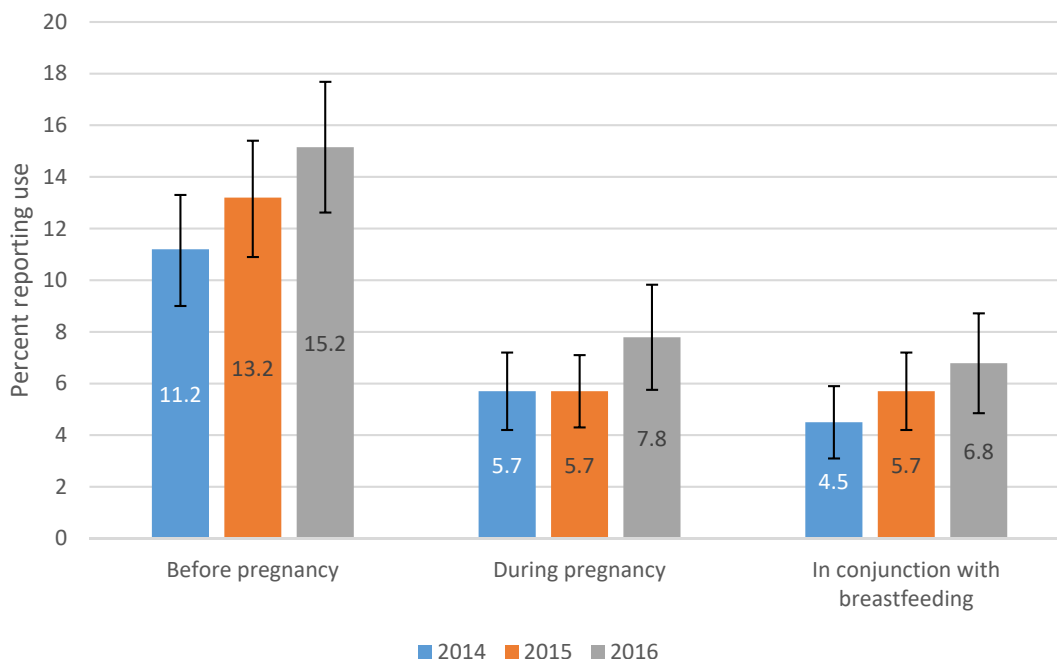
Information is collected by CDPHE by surveying a sample of women who have recently given birth.

PRAMS uses a combination of two data collection approaches: statewide mailings of the surveys, and a telephone follow-up with women who do not return the survey by mail. Beginning in 2014, CDPHE added specific marijuana questions to PRAMS, including use prior to pregnancy, use during pregnancy, and use while breastfeeding.

In 2016, most women were not using marijuana before, during, or in conjunction with breastfeeding. Alcohol use remained the most common substance used before pregnancy at 65.9%, followed by marijuana at 15.2% of women, up significantly from 11.2% in 2014 (Figure 106). The proportion of women reporting use during pregnancy in 2016 (7.8%) was not significantly different from prior years. Additionally, the percentage reporting use in conjunction with breastfeeding (6.8%) was not significantly

different from prior years. Alcohol continued to be used at higher rates than marijuana before, during and after pregnancy.

**Figure 106. Marijuana use before and during pregnancy and in conjunction with breastfeeding, 2014–2016**



Source: Marijuana Health Monitoring and Research Program, Colorado Department of Public Health and Environment, Marijuana use during pregnancy and breastfeeding in Colorado, at <https://www.colorado.gov/pacific/cdphe/pregnancy-risk-assessment-monitoring-system-prams-monitoring-trends-marijuana-use>.

In sum, this section focused on the impact of marijuana legalization on youth. Survey data reflect that the proportion of students using marijuana in their lifetime remained stable between 2005 and 2017, and lifetime use rates (at 35.3% in Colorado in 2017, according to HKCS) was not different from the national cohort. The proportion of Colorado students reporting past 30-day use remained statistically unchanged between 2005 and 2017 (at 19.4% in 2017, according to HKCS) and again was not different from the national cohort. (Note that the NSDUH survey, with a small sample of Colorado students, showed 30-day use declining.) Additionally, marijuana was the most common reason for law enforcement contact with students in 2017, but it is noteworthy that graduation rates continued to increase through the 2016-2017 academic year and dropout rates remained stable since 2012-2013. The proportion of juveniles on probation who tested positive for THC increased between 2012 and 2017 but it is unknown how this affected revocation rates. Finally, a relatively small percentage of households reported storing (8.3%) or using (3.1%) marijuana in a home where children live. The number of pregnant women entering substance abuse treatment decreased but those who do enter treatment had more severe recent use histories. The use of marijuana before pregnancy (15.2%) increased significantly from 2014 but use during pregnancy (7.8%), or in conjunction with breastfeeding did not change significantly. The use of alcohol before pregnancy (65.9% in 2017) or during pregnancy (17.3% in 2017) was considerably more common, however.

## SECTION FIVE: ADDITIONAL INFORMATION

### Licensing and Revenue

#### Marijuana Enforcement Division

The Marijuana Enforcement Division<sup>75</sup> (MED) is tasked with licensing and regulating the medical and retail marijuana industries in Colorado. The Division implements legislation, develops rules, conducts background investigations, issues business licenses, and enforces compliance mandates in order to maintain a robust regulatory structure. MED promotes transparency and clarity for all stakeholders by utilizing a highly collaborative process through which it develops industry regulations and furthers its primary mission of ensuring public safety.

#### Licensees Statewide

As reflected in Table 41, the total number of marijuana business licenses issued increased sharply for the first two years after legalization, up 30% from 2014 (2,249) to 2016 (2,934). Recent growth, between 2016 and 2018, was more moderate, up 6% (from 2,934 to 3,101). The number of medical licenses dropped slightly (-5%) during this period while the total number of retail licenses increased 18% between 2016 and 2018.<sup>76</sup>

Licenses for marijuana businesses were concentrated in Denver (1,226), El Paso (370), and Pueblo (303) Counties (Figure 107). The largest number of retail store licenses were in Denver (182), Boulder (54), and Pueblo (32) Counties (Figure 108). Denver County also had the largest number of medical center licenses (199) followed by El Paso (134) and Boulder (26) (Figure 109). There were 232 retail cultivations in Denver, 167 in Pueblo, and 60 in Boulder (Figure 110). There were 369 medical cultivations in Denver County, 179 in El Paso County, and 35 in Pueblo County (Figure 111). Additional information on the location of different license types can be found in Figures 112-115 and the data supporting the maps is located in Appendix H, Tables 20 and 21.

<sup>75</sup> Additional information on the MED can be obtained at <https://www.colorado.gov/enforcement/marijuanaenforcement>.

<sup>76</sup> Labs test for potency of products, homogeneity of THC throughout a product, solvents, and microbial contamination.

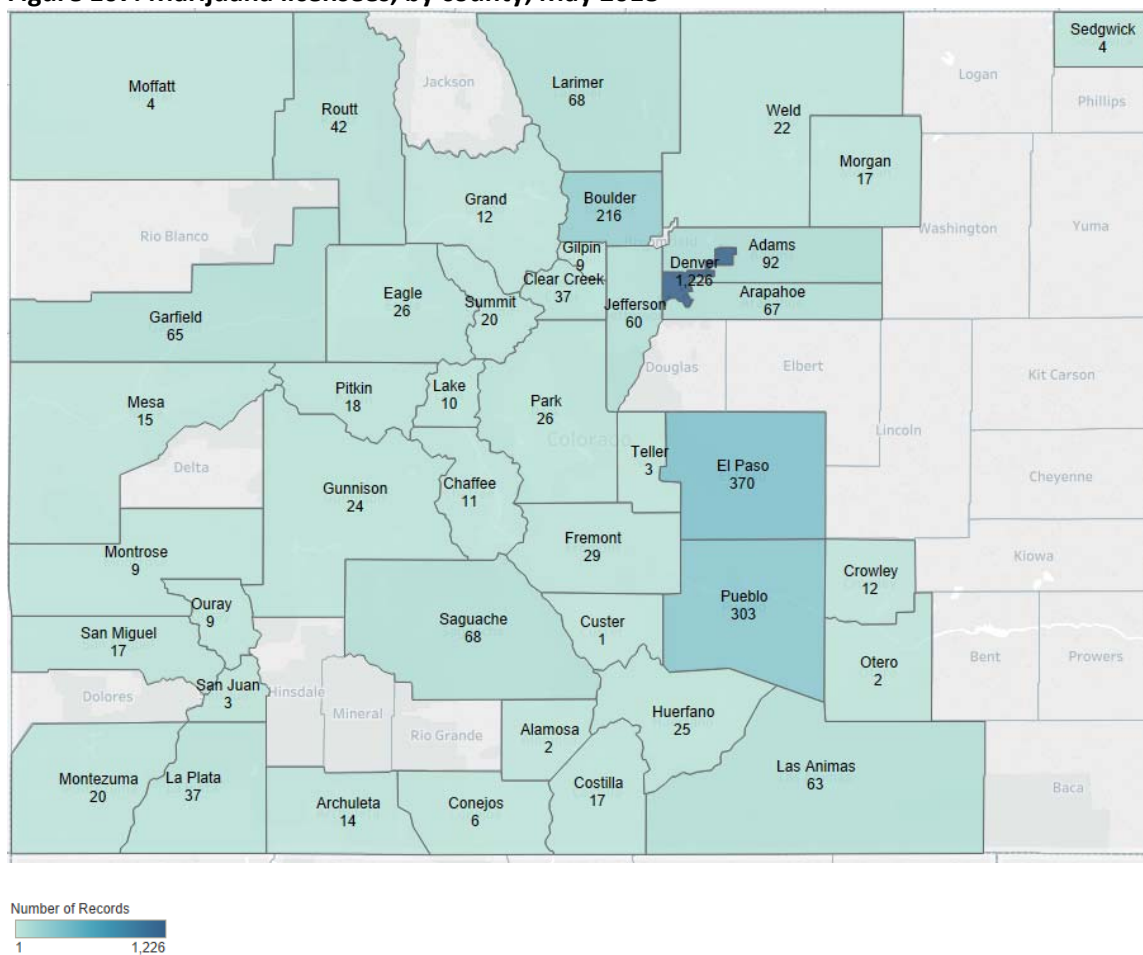
**Table 41. Licensed marijuana premises, by license type, 2014-18**

|                         | 2014  | 2015  | 2016  | 2017  | 2018  |
|-------------------------|-------|-------|-------|-------|-------|
| Total licensed premises | 2,249 | 2,592 | 2,934 | 3,051 | 3,101 |
| Medical                 | 1,416 | 1,469 | 1,584 | 1,531 | 1,511 |
| Centers                 | 505   | 516   | 528   | 506   | 498   |
| Cultivations            | 748   | 751   | 788   | 759   | 735   |
| Product manufacturers   | 163   | 202   | 524   | 254   | 254   |
| Testing facilities      | 0     | 0     | 14    | 12    | 10    |
| Operator                | 0     | 0     | 0     | 5     | 6     |
| Transporter             | 0     | 0     | 0     | 8     | 8     |
| Retail                  | 833   | 1,123 | 1,350 | 1,520 | 1,590 |
| Stores                  | 322   | 424   | 459   | 509   | 529   |
| Cultivations            | 397   | 514   | 633   | 720   | 742   |
| Product manufacturers   | 98    | 168   | 244   | 279   | 287   |
| Testing facilities      | 16    | 17    | 14    | 12    | 13    |
| Operator                | 0     | 0     | 0     | 6     | 9     |
| Transporter             | 0     | 0     | 0     | 10    | 10    |

Source: Colorado Department of Revenue, Marijuana Enforcement Division, *2014 Annual Update; 2015 Annual Update; 2016 MED Annual Update; 2017 MED Annual Update*. At <https://www.colorado.gov/pacific/enforcement/med-updates>.

Note: For additional information on the different marijuana business license types and archived lists please visit: <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>

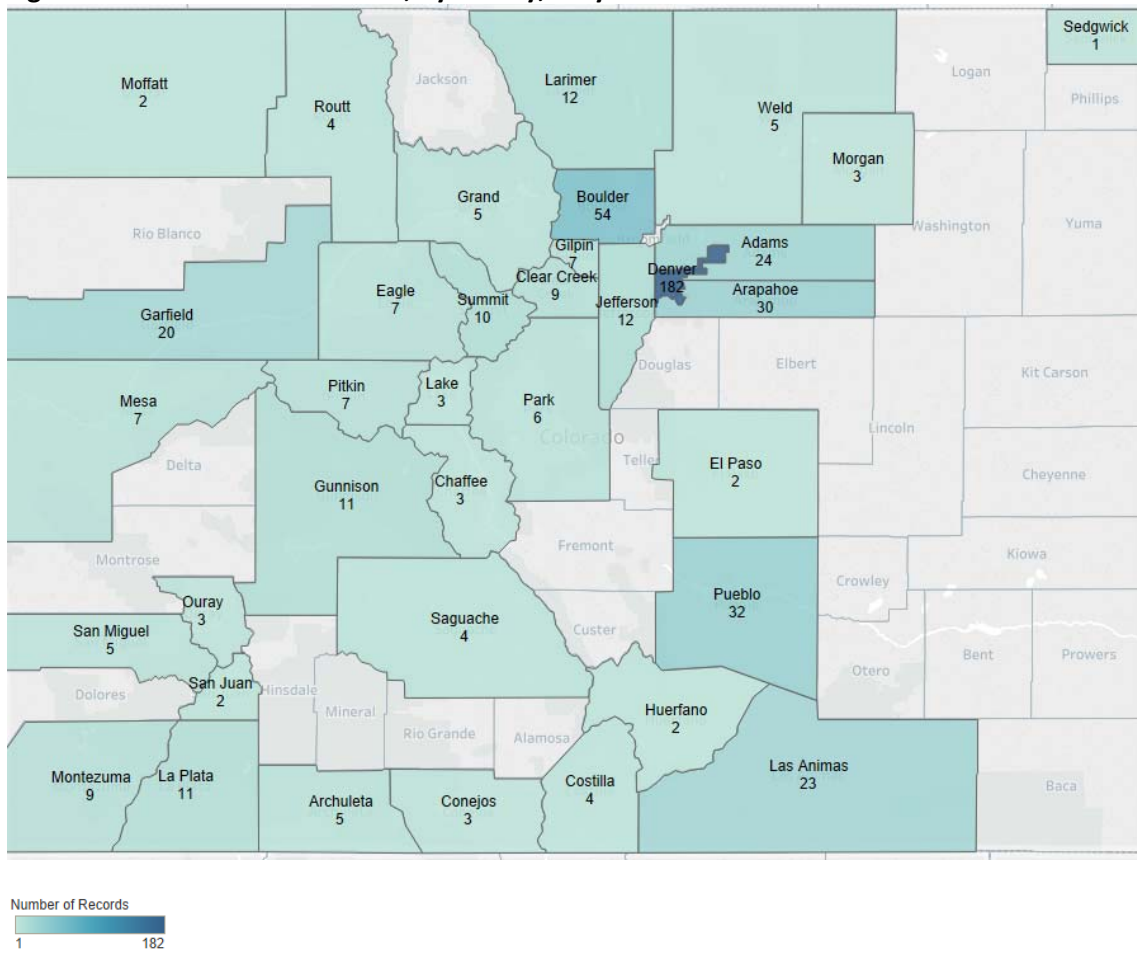
**Figure 107. Marijuana licensees, by county, May 2018**



Source: Colorado Department of Revenue, Marijuana Enforcement Division, MED Licensed Facilities, at <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>.

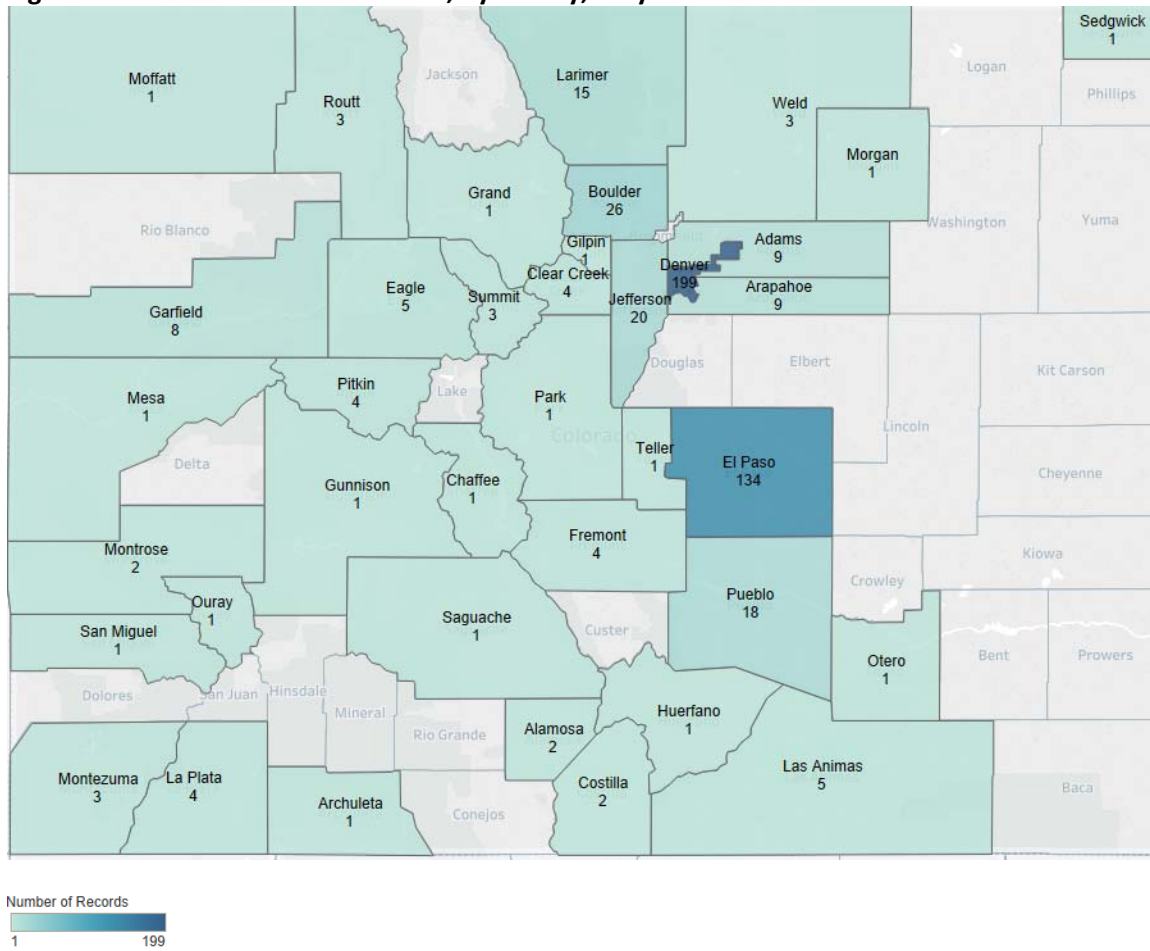


**Figure 108. Retail store licensees, by county, May 2018**



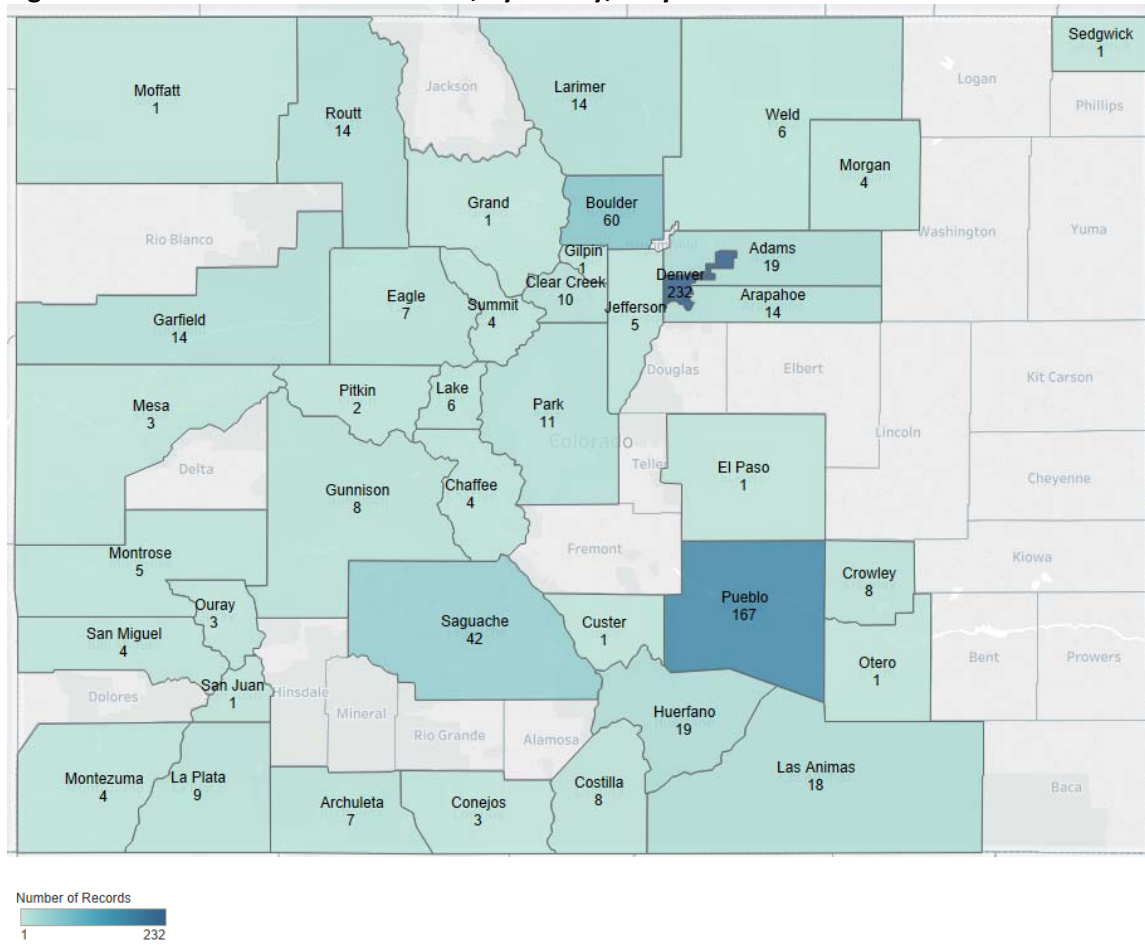
Source: Colorado Department of Revenue, Marijuana Enforcement Division, MED Licensed Facilities, at <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>.

**Figure 109. Medical center licensees, by county, May 2018**



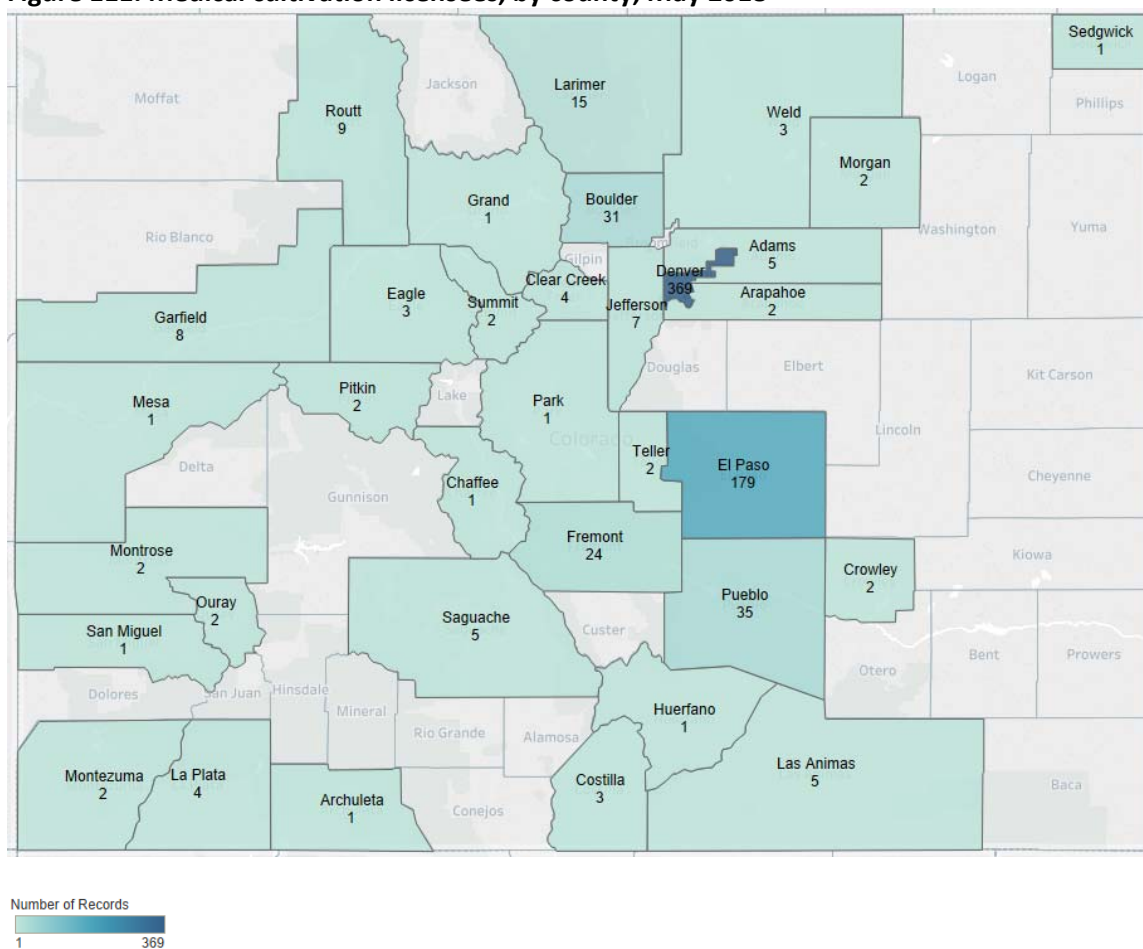
Source: Colorado Department of Revenue, Marijuana Enforcement Division, MED Licensed Facilities, at <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>.

**Figure 110. Retail cultivation licensees, by county, May 2018**



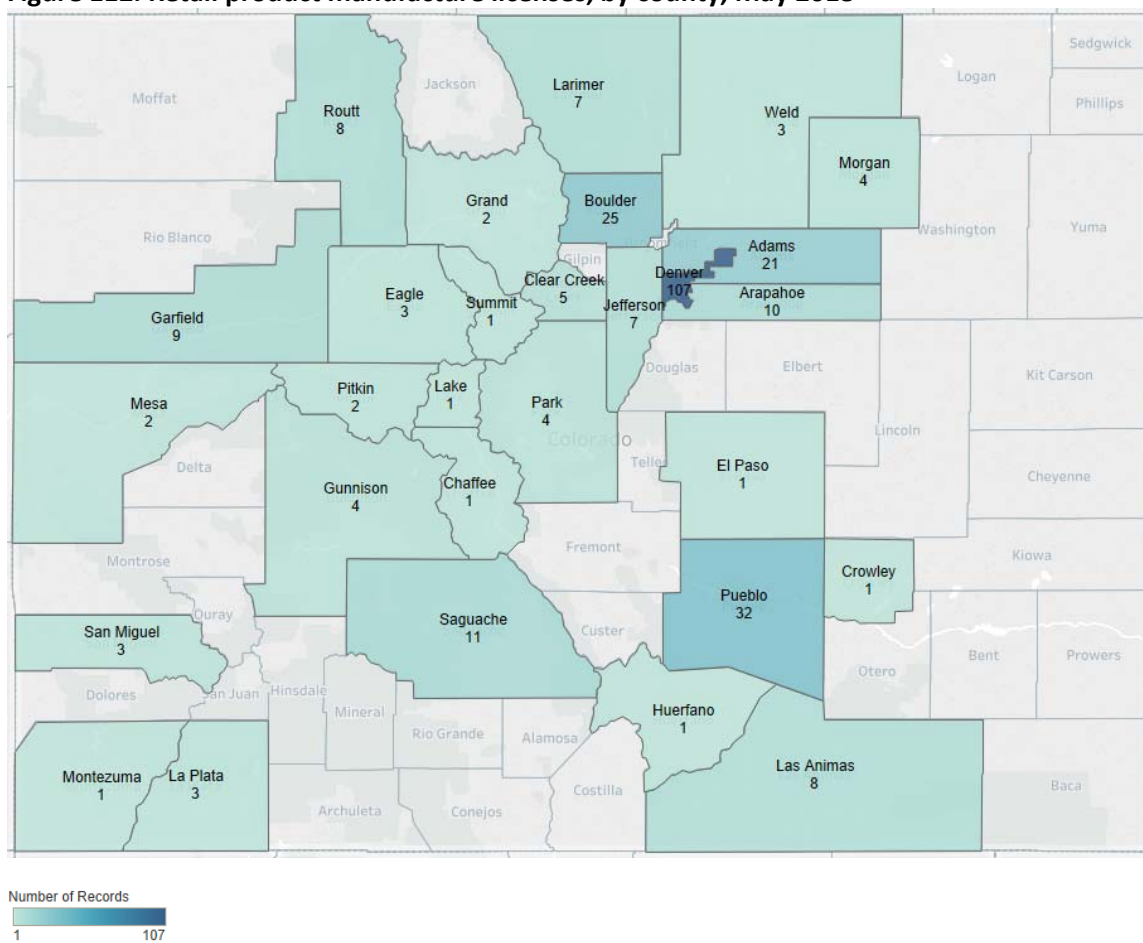
Source: Colorado Department of Revenue, Marijuana Enforcement Division, MED Licensed Facilities, at <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>.

**Figure 111. Medical cultivation licensees, by county, May 2018**



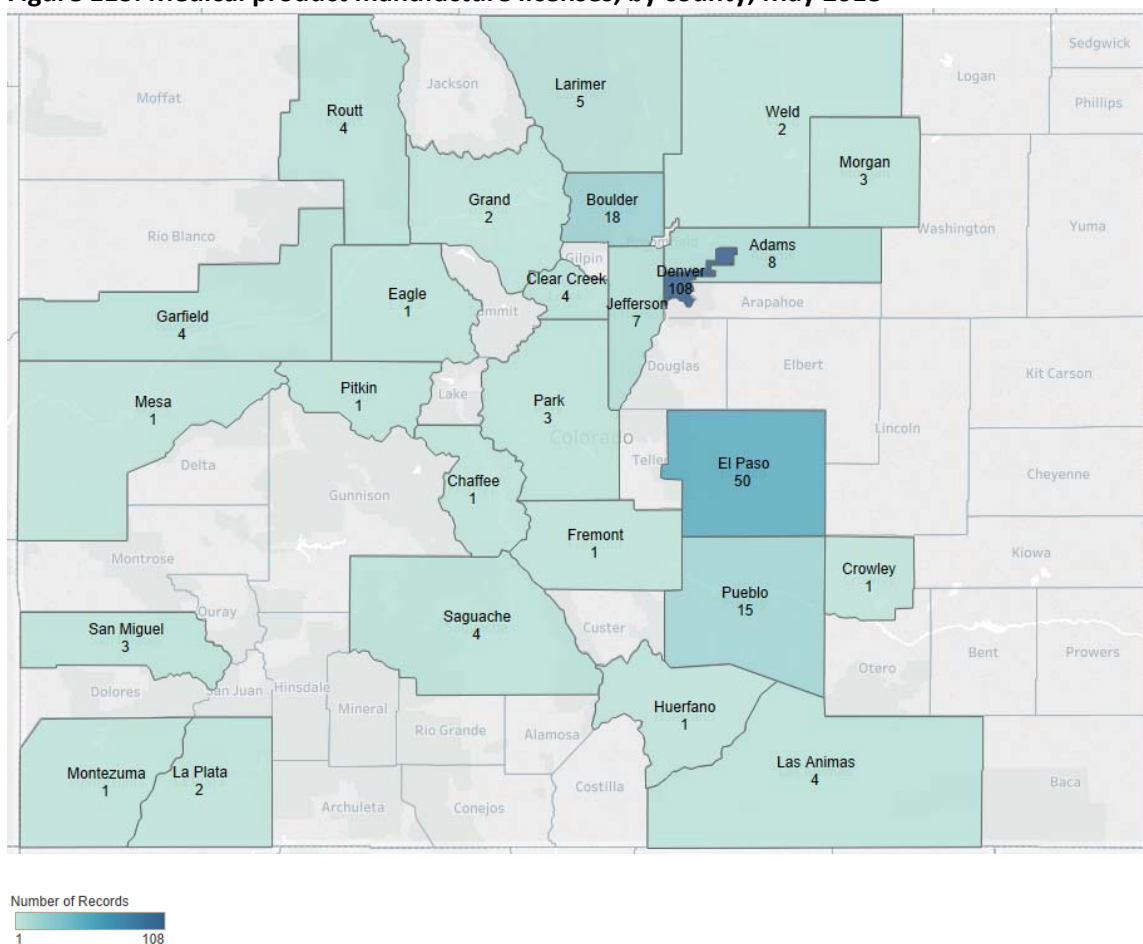
Source: Colorado Department of Revenue, Marijuana Enforcement Division, MED Licensed Facilities, at <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>.

**Figure 112. Retail product manufacture licenses, by county, May 2018**



Source: Colorado Department of Revenue, Marijuana Enforcement Division, MED Licensed Facilities, at <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>.

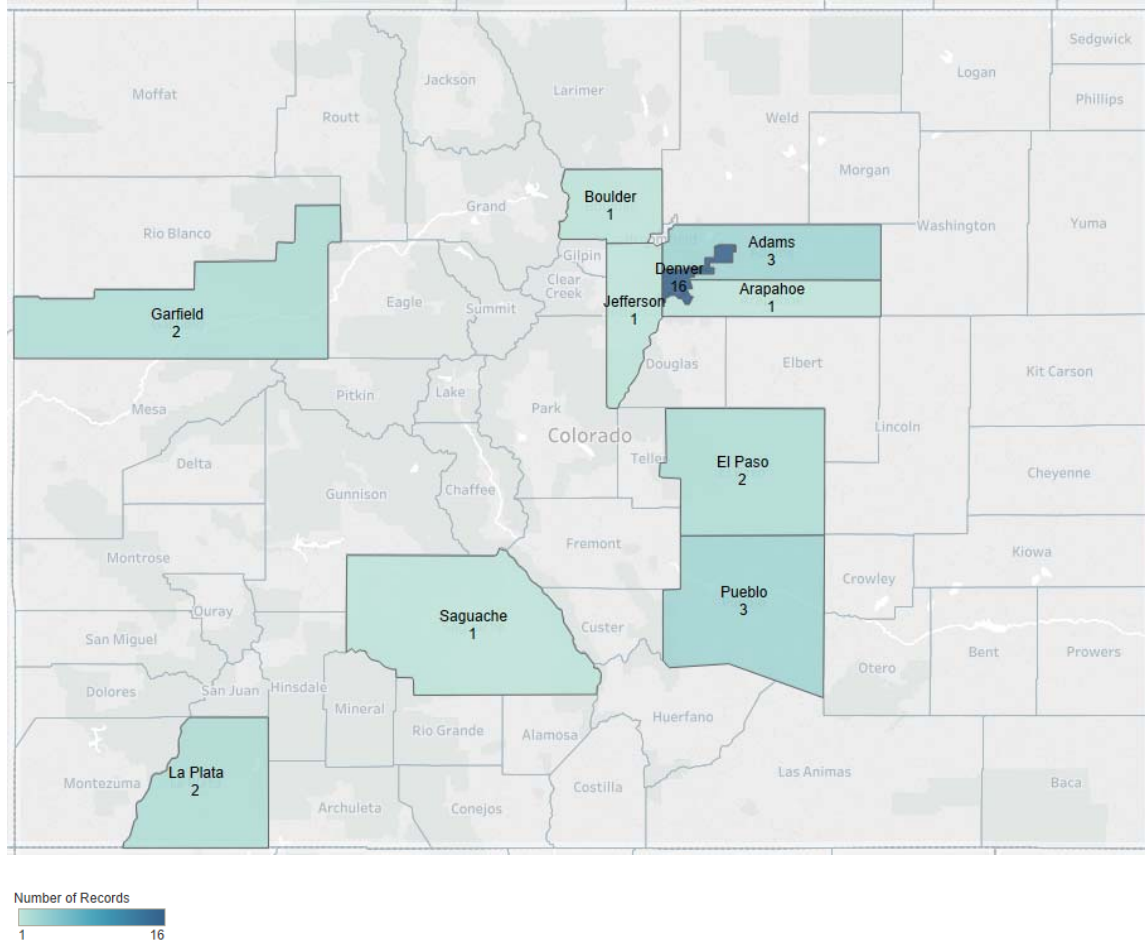
**Figure 113. Medical product manufacture licenses, by county, May 2018**



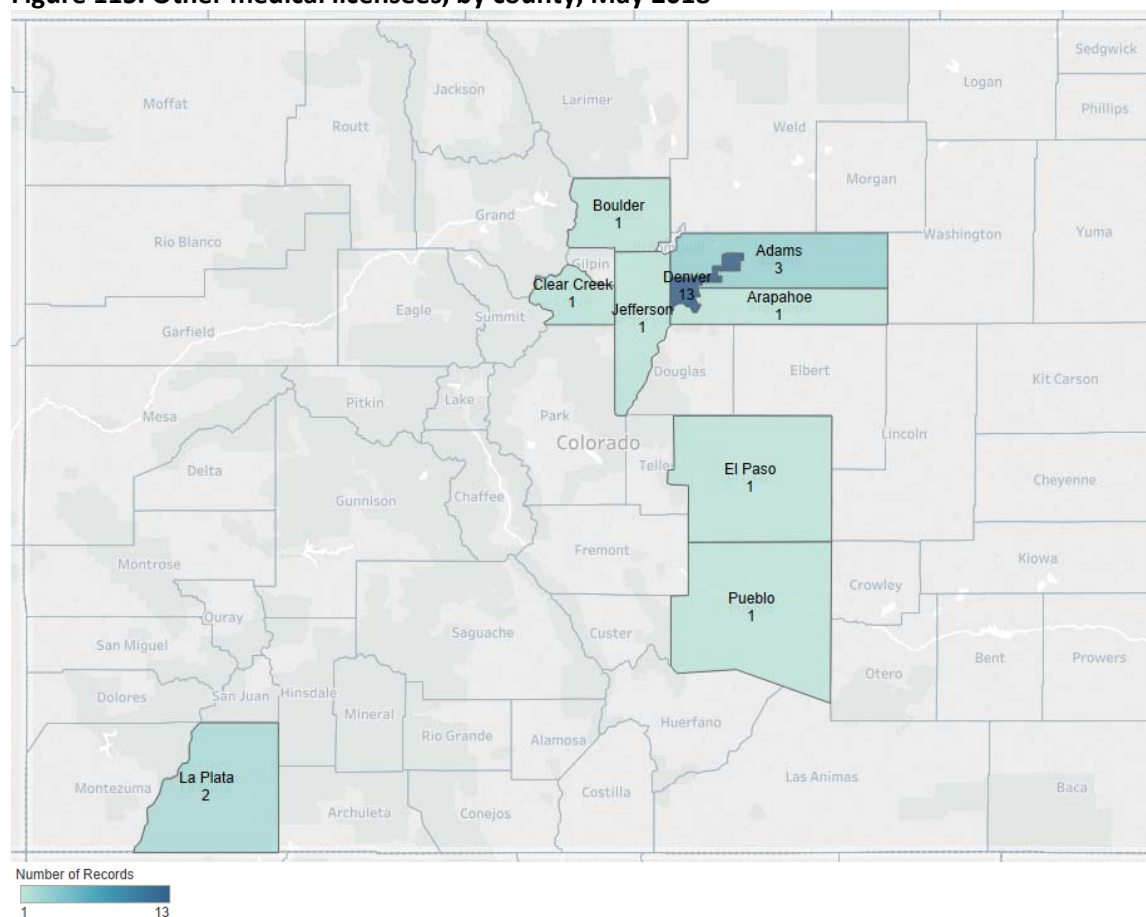
Source: Colorado Department of Revenue, Marijuana Enforcement Division, MED Licensed Facilities, at <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>.



**Figure 114. Other retail licensees, by county, May 2018**



Source: Colorado Department of Revenue, Marijuana Enforcement Division, MED Licensed Facilities, at <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>.

**Figure 115. Other medical licensees, by county, May 2018**

Source: Colorado Department of Revenue, Marijuana Enforcement Division, MED Licensed Facilities, at <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>.

### Tax Revenue and Sales

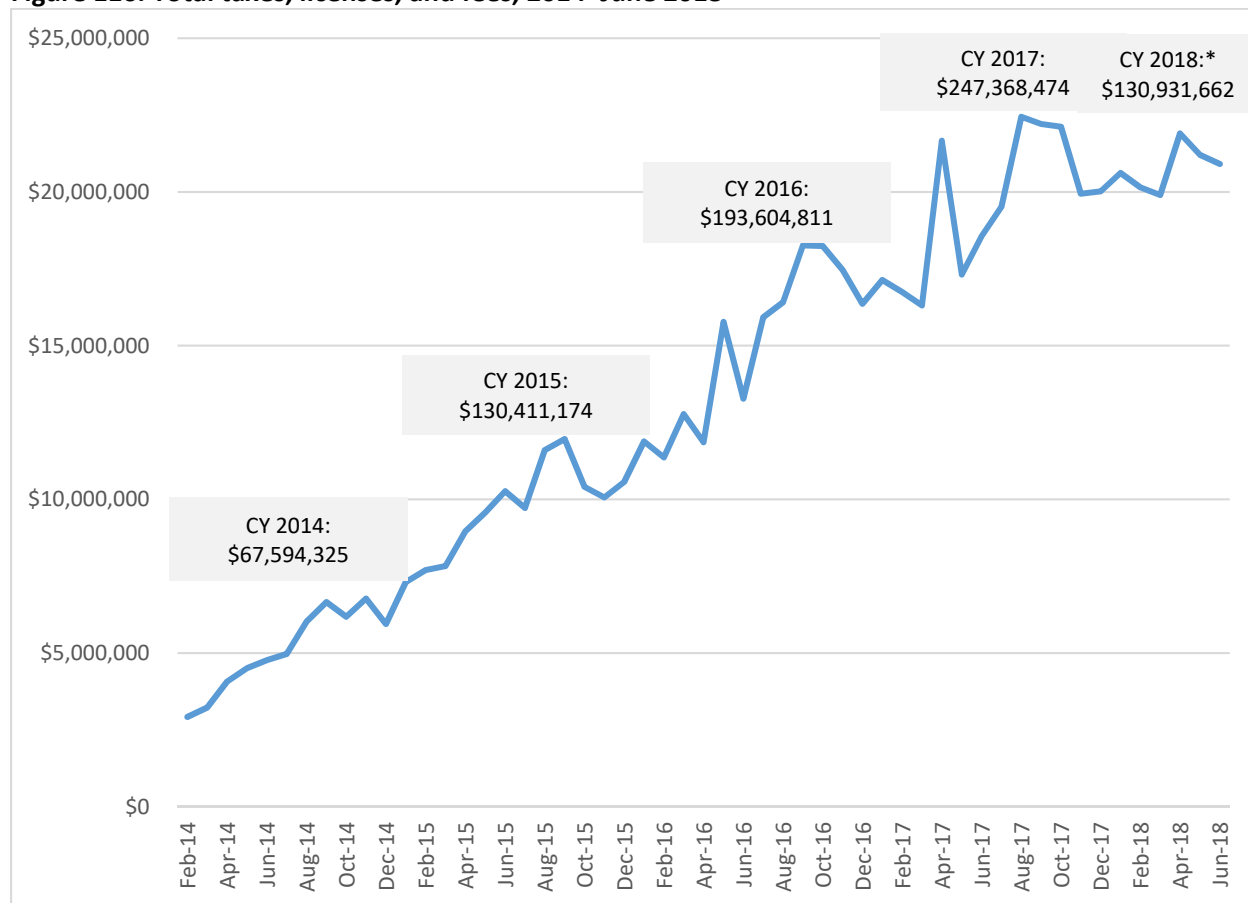
The total revenue from taxes, licenses, and fees increased 266% from calendar year 2014 to 2017, going from \$67,594,325 up to \$247,368,474 (Figure 116 and Table 42). The revenue increase was driven by the sales taxes, excise taxes, licenses, and fees for retail marijuana. In calendar year 2017, total sales taxes, excise, taxes, licenses and fees from retail marijuana accounted for \$226,812,442, or 92% of all marijuana revenue. On average, Colorado collects approximately \$20 million per month in taxes, licenses, and fees from all marijuana sources (Table 42).

The excise tax revenue collected to fund the Public School Capital Construction Assistance Fund reached \$40,256,542 in calendar year 2017, with an additional \$31,558,383 sent to the Public School Fund. Between 2016 and 2018 marijuana excise taxes have contributed between \$5-6 million dollars per month directly to school construction or other public school needs (Figure 118). The taxes distributed to local governments increased 305%, from \$4,005,458 in 2014 to \$16,204,671 in 2017.



The tax revenue from marijuana should be put in context of all tax revenue collected in Colorado. In fiscal year 2017, gross collections for all tax revenue totaled \$13.8 billion dollars.<sup>77</sup> Marijuana taxes make up about 1.52% of all tax revenue collected in the state. For a graphic depiction of marijuana revenue see Appendix I.

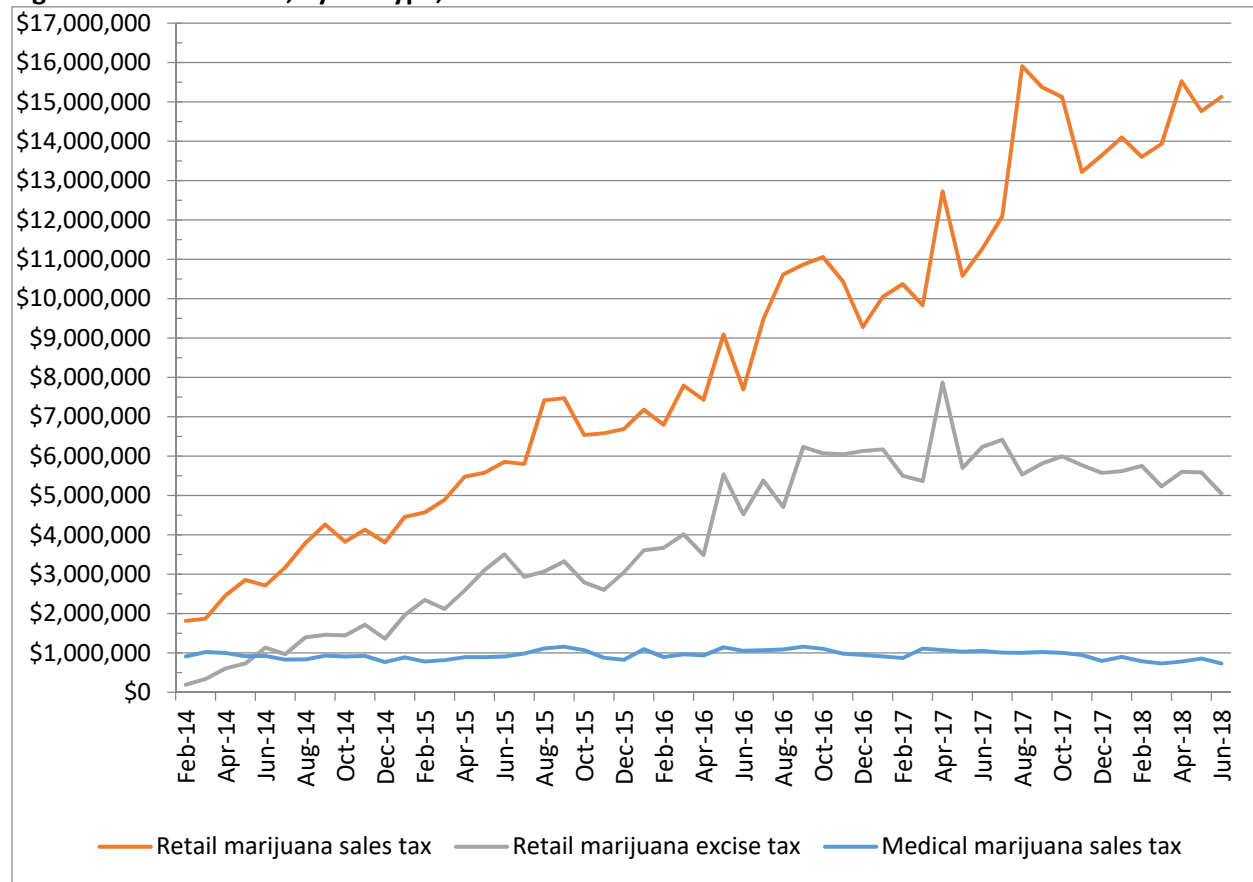
**Figure 116. Total taxes, licenses, and fees, 2014–June 2018**



Source: Marijuana Enforcement Division (2018). Marijuana Tax Data, at <https://www.colorado.gov/pacific/revenue/colorado-marijuana-tax-data>

Note: Calendar year 2018 taxes reported through June 2018.

<sup>77</sup> Colorado Department of Revenue (2017). *Annual Report 2017*, at [https://www.colorado.gov/pacific/sites/default/files/2017\\_Annual\\_Report.pdf](https://www.colorado.gov/pacific/sites/default/files/2017_Annual_Report.pdf).

**Figure 117. Total taxes, by tax type, 2014-June 2018**

Source: Marijuana Enforcement Division (2018). Marijuana Tax Data, at <https://www.colorado.gov/pacific/revenue/colorado-marijuana-tax-data>

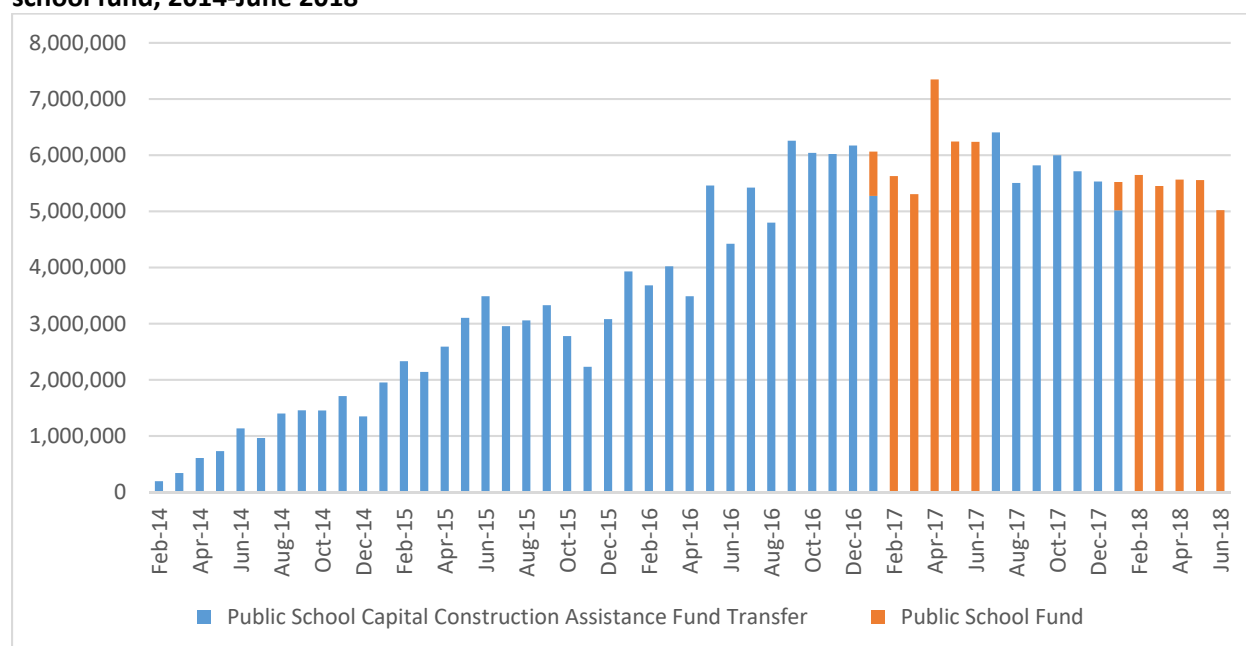
Note: Calendar year 2018 taxes reported through June 2018.

**Table 42. Annual and average monthly taxes, licenses, and fees, 2014-June 2018**

| Calendar Year | Annual total collections |                |               | Average monthly collections |                |              |
|---------------|--------------------------|----------------|---------------|-----------------------------|----------------|--------------|
|               | Taxes                    | License & Fees | Taxes & Fees  | Taxes                       | License & Fees | Taxes & Fees |
| 2014          | \$56,102,639             | \$11,491,688   | \$67,594,325  | \$5,100,240                 | \$1,044,699    | \$6,144,939  |
| 2015          | \$116,003,360            | \$14,407,811   | \$130,411,174 | \$9,666,947                 | \$1,200,651    | \$10,867,598 |
| 2016          | \$179,619,617            | \$13,985,195   | \$193,604,811 | \$14,968,301                | \$1,165,433    | \$16,133,734 |
| 2017          | \$234,014,747            | \$13,353,727   | \$247,368,474 | \$19,501,229                | \$1,112,811    | \$20,614,040 |
| 2018          | \$124,696,564            | \$6,235,099    | \$130,931,662 | \$20,782,761                | \$1,039,183    | \$21,821,944 |

Source: Colorado Department of Revenue, Marijuana Enforcement Division (2018). Marijuana Tax Data, at <https://www.colorado.gov/pacific/revenue/colorado-marijuana-tax-data>

**Figure 118. Monthly transfer of marijuana excise taxes to school construction fund and general public school fund, 2014-June 2018**



Source: Colorado Department of Revenue, Marijuana Enforcement Division (2018). Marijuana Tax Data, at <https://www.colorado.gov/pacific/revenue/colorado-marijuana-tax-data>

Note: Amendment 64 calls for the transfer of the first \$40 million in retail marijuana excise taxes to the Public School Capital Construction Assistance Fund (BEST) every year. Once this \$40 million is reached the taxes are transferred to the general public school fund for the rest of the fiscal year.

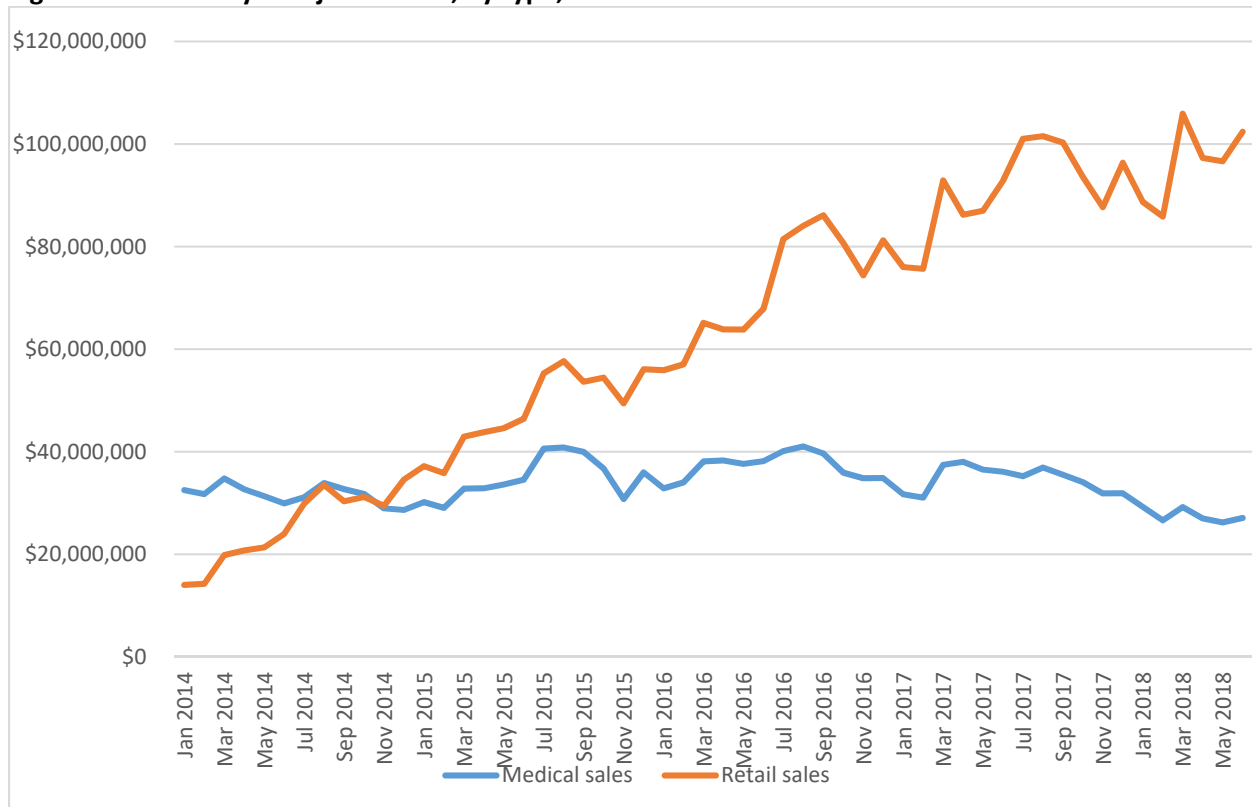
The sales of retail marijuana products have more than tripled over the past four years, from \$303 million in 2014 to \$1.09 billion in 2017 (Table 2). In 2017, an average of \$90 million in retail marijuana products were sold, up from \$25 million in 2014 (Table 43 & Figure 119). The sales of medical marijuana products increased initially but have been decreasing gradually over the past year, from \$445 million in 2016 to \$416 million in 2017 (Table 43). The average monthly sales of medical marijuana products also declined, from \$37 million in 2016 to \$34 million in 2017 (Table 43 and Figure 119).

**Table 43. Annual and average monthly sales of marijuana products, 2014-June 2018**

| Calendar Year | Annual total sales |                 |                 | Average monthly sales |              |               |
|---------------|--------------------|-----------------|-----------------|-----------------------|--------------|---------------|
|               | Medical            | Retail          | Total           | Medical               | Retail       | Total         |
| 2014          | \$380,284,040      | \$303,239,699   | \$683,523,739   | \$31,690,337          | \$25,269,975 | \$56,960,312  |
| 2015          | \$418,054,912      | \$577,536,343   | \$995,591,255   | \$34,837,909          | \$48,128,029 | \$82,965,938  |
| 2016          | \$445,616,062      | \$861,587,411   | \$1,307,203,473 | \$37,134,672          | \$71,798,951 | \$108,933,623 |
| 2017          | \$416,516,782      | \$1,091,185,437 | \$1,507,702,219 | \$34,709,732          | \$90,932,120 | \$125,641,852 |
| 2018          | \$138,387,136      | \$474,477,654   | \$612,864,790   | \$27,677,427          | \$94,895,531 | \$122,572,958 |

Source: Colorado Department of Revenue, Marijuana Enforcement Division (2018). Marijuana Sales Reports, at <https://www.colorado.gov/pacific/revenue/colorado-marijuana-sales-reports>

Notes: Medical marijuana sales (gross sales minus wholesale) and sales of accessories/other products that do not contain medical marijuana. Retail marijuana sales (gross sales minus wholesale) and does not include sales of accessories/other products that do not contain retail marijuana.

**Figure 119. Monthly marijuana sales, by type, 2014-June 2018**

Source: Colorado Department of Revenue, Marijuana Enforcement Division (2018). Marijuana Sales Reports at <https://www.colorado.gov/pacific/revenue/colorado-marijuana-sales-reports>

Note: Medical marijuana sales (gross sales minus wholesale) and sales of accessories/other products that do not contain medical marijuana. Retail marijuana sales (gross sales minus wholesale) and does not include sales of accessories/other products that do not contain retail marijuana.

The number of cultivated medical marijuana plants fluctuated between 2014 and 2017, and in December 2017 a little over 300,000 plants were under cultivation (Table 44). The number of plants in the retail market increased each year, up from 216,802 in 2014 to 669,044 in 2017 (+208%). Interestingly, the pounds of medical flower sold increased between 2015 and 2017 while, during this same period, units of infused edibles and non-edibles sold declined. The sales totals for all types of marijuana products increased across the retail market between 2014 and 2017. Since 2014 sales of retail flower have gone up 516%, infused edibles up 226%, and infused non-edibles up 135%. The sales of concentrates have only been tracked since 2016, but both medical and retail sales showed increases.

**Table 44. Plants cultivated and annual sales totals, by type of marijuana product, 2014-2017**

|                                                        | 2014      | 2015      | 2016      | 2017      |
|--------------------------------------------------------|-----------|-----------|-----------|-----------|
| <b>Plants cultivated (monthly average in December)</b> |           |           |           |           |
| Medical                                                | 302,793   | 327,960   | 350,206   | 305,063   |
| Retail                                                 | 216,802   | 346,921   | 525,225   | 669,044   |
| <b>Annual Sales</b>                                    |           |           |           |           |
| Medical bud/flower (lbs)                               | 109,578   | 144,537   | 159,998   | 172,994   |
| Retail bud/flower (lbs)                                | 38,660    | 106,932   | 175,642   | 238,149   |
| Medical infused edibles (units)                        | 1,964,917 | 2,261,875 | 2,117,838 | 1,851,098 |
| Retail infused edibles (units)                         | 2,850,733 | 5,280,297 | 7,250,936 | 9,295,329 |
| Medical infused non-edibles (units)                    | 411,099   | 485,362   | 292,401   | 210,823   |
| Retail infused non-edibles (units)                     | 359,412   | 801,215   | 761,764   | 843,646   |
| Medical concentrate (lbs)                              | --        | --        | 10,037    | 14,092    |
| Retail concentrate (lbs)                               | --        | --        | 7,611     | 13,798    |

Source: Colorado Department of Revenue, Marijuana Enforcement Division. *2014 Annual Update; 2015 Annual Update; 2016 MED Annual Update; 2017 MED Annual Update*, at <https://www.colorado.gov/pacific/enforcement/med-updates>.

Note: Sales amounts for concentrates was not reported prior to 2016.

## Medical Marijuana Cardholders

### Colorado Department of Public Health and Environment Process

The Medical Marijuana Registry is administered by the Colorado Department of Public Health and Environment (CDPHE) pursuant to CRS 25-1.5-106. To apply for a medical marijuana registry card, a person must be a Colorado resident with a valid Social Security number, be receiving treatment for a qualifying debilitating medical condition, and be examined by a doctor with whom the person has a bona fide physician-patient relationship. The doctor must recommend the use of marijuana for the patient's condition and specify the number of plants required to alleviate the symptoms of the condition. If the applicant is a minor, additional requirements apply, including a signed parental consent form, two separate physician recommendations, and a copy of the minor's state-issued birth certificate.

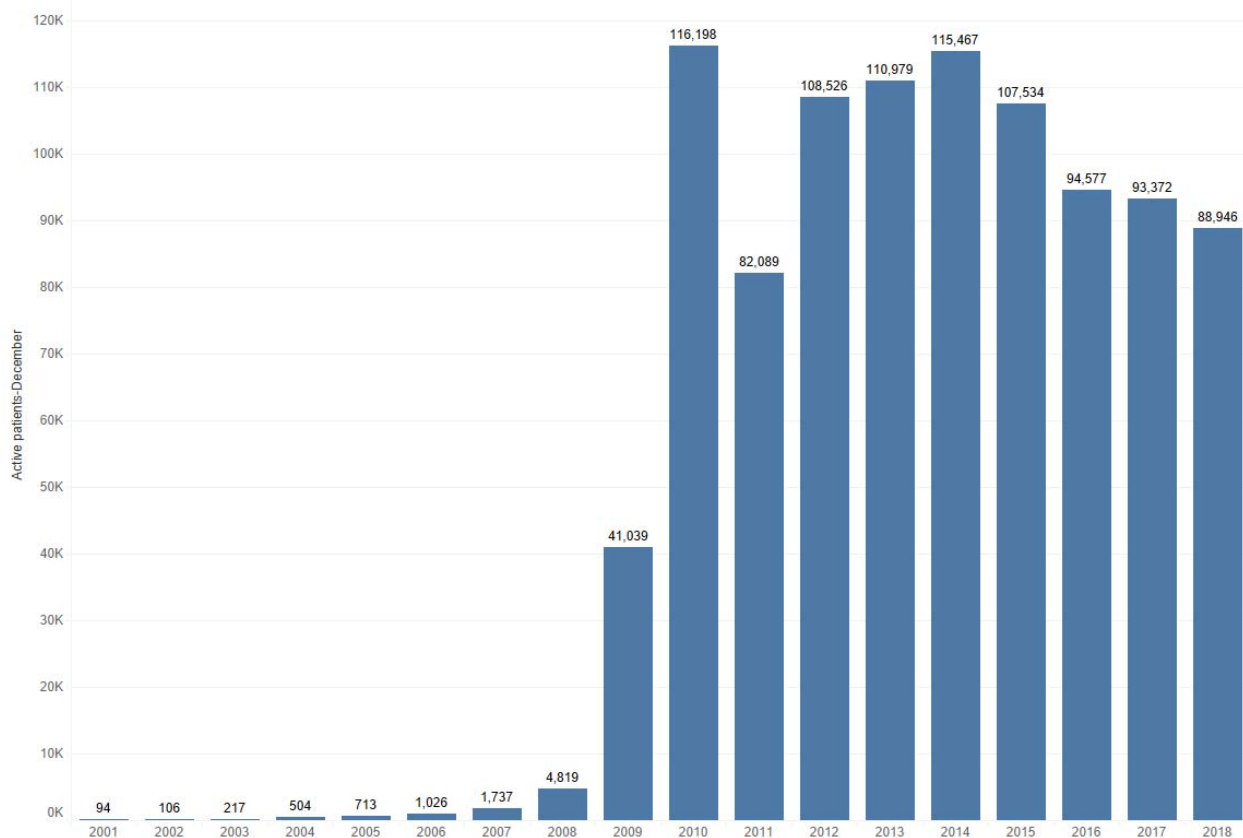
Cardholders can choose to grow their own marijuana plants or designate a caregiver to grow the plants for them. The commercial dispensary market can act as the caregiver and can service the number of patients allowed by the Marijuana Enforcement Division.<sup>78</sup> Cardholders also have the choice of designating a private person as caregiver.

<sup>78</sup> The Marijuana Enforcement Division licenses each dispensary to grow a certain number of plants based on the number of patients registered and their recommended plant count.

### Trend Data

The number of medical marijuana cardholders began to increase in 2009, after the commercialization of the caregiver market was allowed (Figure 120). From 2008 to 2010, 111,379 cardholders were added to the registry. The number of cardholders peaked in 2010 at 116,198. The number of cardholders decreased 23% between 2014 (115,467) and April 2018 (88,946).

**Figure 120. Number of medical marijuana cardholders, 2001-2018**



Source: Medical Marijuana Registry, Colorado Department of Public Health and Environment (2018). Medical marijuana statistics and data, at <https://www.colorado.gov/pacific/cdphe/medical-marijuana-statistics-and-data>

Table 45 shows characteristics of registered cardholders in April 2018. The average age of a cardholder was 44 years old. The majority were male (62.1%) and with an average age of 43, while the average age of female cardholders (37.9%) was 46. The majority of cardholders were over 40 (52.9%). The three most common conditions reported were severe pain (92.5%), muscle spasms (30.5%), and severe nausea (13.5%). A cardholder can report more than one debilitating condition.

El Paso County had the most cardholders (19,790), followed by Denver (11,986), Jefferson (8,914), and Arapahoe (7,113) Counties (Figure 121).

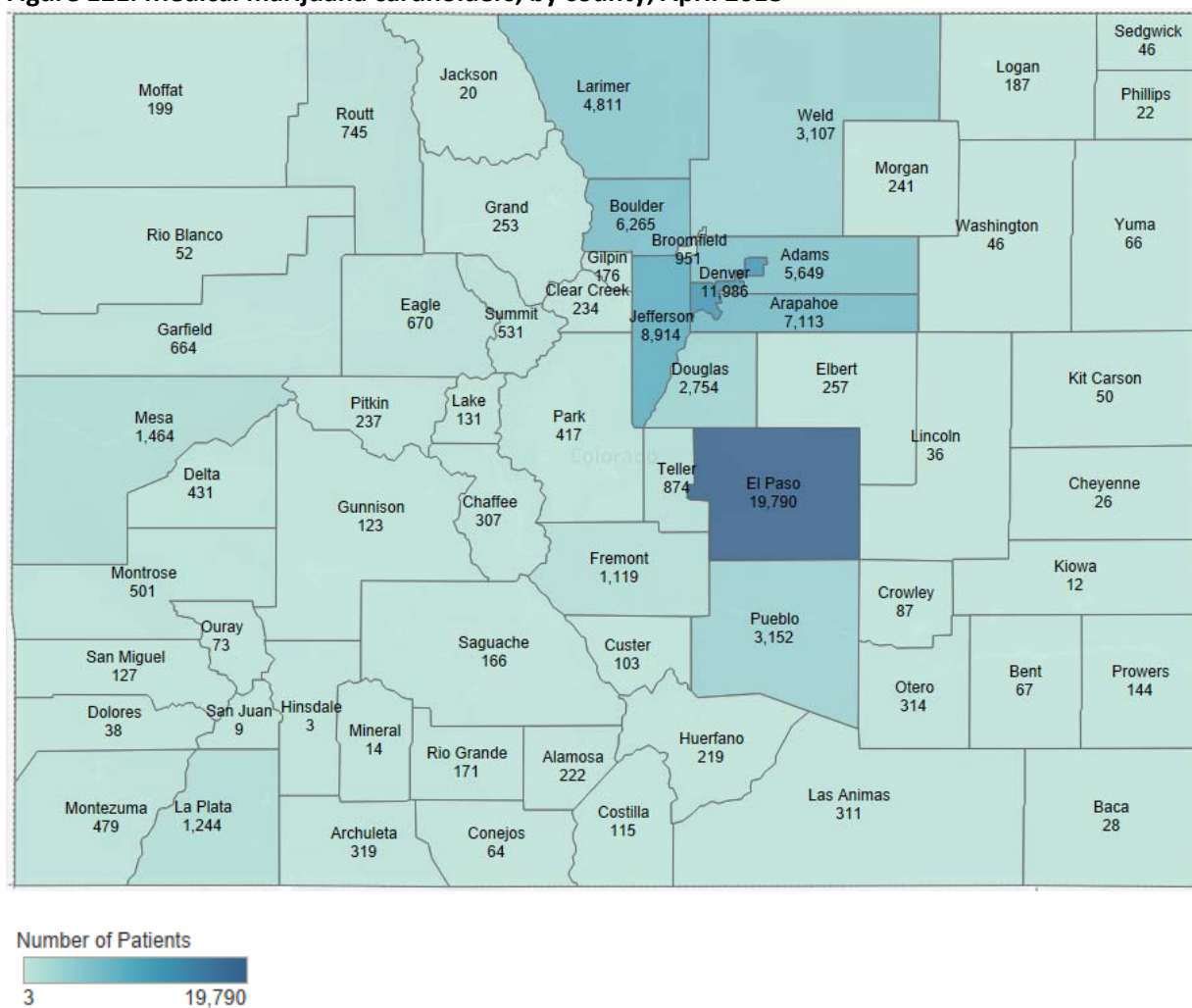
**Table 45. Medical marijuana cardholder characteristics, April 2018**

| Patient characteristics               | N      | %      |
|---------------------------------------|--------|--------|
| Total                                 | 88,946 | 100.0% |
| <b>Gender</b>                         |        |        |
| Male                                  | 55,200 | 62.1%  |
| Female                                | 33,746 | 37.9%  |
| <b>Age group</b>                      |        |        |
| 0-10                                  | 164    | 0.2%   |
| 11-17                                 | 127    | 0.1%   |
| 18-20                                 | 3,411  | 3.8%   |
| 21-30                                 | 19,141 | 21.5%  |
| 31-40                                 | 19,014 | 21.4%  |
| 41-50                                 | 14,322 | 16.1%  |
| 51-60                                 | 14,710 | 16.5%  |
| 61-70                                 | 14,268 | 16.0%  |
| 71 and older                          | 3,789  | 4.3%   |
| <b>Reported condition<sup>a</sup></b> |        |        |
| Cachexia                              | 951    | 1.0%   |
| Cancer                                | 4,082  | 4.6%   |
| Glaucoma                              | 1,031  | 1.2%   |
| HIV/AIDS                              | 0      | 0.0%   |
| Muscle spasms                         | 27,116 | 30.5%  |
| Seizures                              | 2,670  | 3.0%   |
| Severe nausea                         | 12,044 | 13.5%  |
| Severe pain                           | 82,308 | 92.5%  |
| Post-Traumatic Stress Disorder (PTSD) | 4,917  | 5.5%   |

Source: Medical Marijuana Registry, Colorado Department of Public Health and Environment, Medical marijuana statistics and data, at <https://www.colorado.gov/pacific/cdphe/medical-marijuana-statistics-and-data>.

<sup>a</sup>Does not sum to 100% because patients may report more than one debilitating medical condition.

**Figure 121. Medical marijuana cardholders, by county, April 2018**



Source: Colorado Department of Public Health and Environment (2018). Medical marijuana statistics and data, at <https://www.colorado.gov/pacific/cdphe/medical-marijuana-statistics-and-data>



## Overall Crime in Colorado

Offense rates for property remained relatively stable from 2012 to 2017, but violent crime increased 20% from 2012 to 2017 (Table 46).

**Table 46. Offenses and offense rates in Colorado, by offense type, 2008–2017**

| Year | Number of total offenses |         | Offense rate, per 100,000 population |         |
|------|--------------------------|---------|--------------------------------------|---------|
|      | Property                 | Violent | Property                             | Violent |
| 2008 | 132,212                  | 16,062  | 2,639                                | 321     |
| 2009 | 131,141                  | 16,608  | 2,580                                | 327     |
| 2010 | 132,623                  | 16,676  | 2,570                                | 323     |
| 2011 | 131,800                  | 16,278  | 2,575                                | 318     |
| 2012 | 136,483                  | 15,719  | 2,630                                | 303     |
| 2013 | 138,275                  | 16,056  | 2,622                                | 305     |
| 2014 | 133,927                  | 16,355  | 2,503                                | 306     |
| 2015 | 141,634                  | 17,450  | 2,602                                | 321     |
| 2016 | 149,713                  | 18,787  | 2,695                                | 338     |
| 2017 | 150,775                  | 20,254  | 2,688                                | 361     |

Note: Violent crime includes murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Property crime includes burglary, larceny/theft, motor vehicle theft, and arson. Two additional offenses were added into the category of rape in 2013.

Source: Colorado Bureau of Investigation, as analyzed by Colorado Division of Criminal Justice. See: Crime Statistics, at <https://www.colorado.gov/pacific/dcj-ors/ors-crimestats>.

Arrest rates for violent crime, property crime, and weapons increased between 2012 and 2017 (Table 47). An increase in the number aggravated assault was primarily responsible for the increase in the violent crime rate while larceny arrests was primarily responsible for the increase in property crime rates (data not presented). Drug arrest rates decreased slightly between 2012 and 2017.

**Table 47. Arrests and arrest rates in Colorado, by crime type, 2006–2017**

| Year | Number of total arrests |          |        |         | Arrest rate, per 100,000 population |          |       |         |
|------|-------------------------|----------|--------|---------|-------------------------------------|----------|-------|---------|
|      | Violent                 | Property | Drug   | Weapons | Violent                             | Property | Drug  | Weapons |
| 2006 | 7,047                   | 24,194   | 19,513 | 2,388   | 147.2                               | 693.7    | 458.7 | 54.8    |
| 2007 | 5,741                   | 23,984   | 18,290 | 2,325   | 163.7                               | 562.1    | 453.4 | 55.5    |
| 2008 | 6,208                   | 25,453   | 17,851 | 2,054   | 133.4                               | 557.2    | 425.0 | 54.0    |
| 2009 | 6,470                   | 25,826   | 16,658 | 1,836   | 144.2                               | 591.4    | 414.8 | 47.7    |
| 2010 | 5,939                   | 23,172   | 15,294 | 1,690   | 150.3                               | 600.0    | 387.0 | 42.7    |
| 2011 | 5,701                   | 23,445   | 15,109 | 1,701   | 138.0                               | 538.4    | 355.3 | 39.3    |
| 2012 | 5,375                   | 23,128   | 15,953 | 1,743   | 132.5                               | 544.7    | 351.0 | 39.5    |
| 2013 | 5,691                   | 28,833   | 12,370 | 1,841   | 124.9                               | 537.4    | 370.7 | 40.5    |
| 2014 | 5,936                   | 32,318   | 13,381 | 2,164   | 132.2                               | 669.9    | 287.4 | 42.8    |
| 2015 | 6,242                   | 31,067   | 14,430 | 2,219   | 137.9                               | 750.9    | 310.9 | 50.3    |
| 2016 | 6,691                   | 29,879   | 14,790 | 2,363   | 145.0                               | 721.8    | 335.3 | 51.6    |
| 2017 | 7,721                   | 27,157   | 16,626 | 2,309   | 155.5                               | 694.2    | 343.6 | 54.9    |

Note: Violent crime includes murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Property crime includes burglary, larceny/theft, motor vehicle theft, and arson. Drug and weapon crimes include crimes classified in those categories. Two additional offenses were added into the category of rape in 2013.

Source: Federal Bureau of Investigation, *Crime in the United States*, <https://ucr.fbi.gov/ucr-publications>.

In sum, the information presented in this section showed that licenses for retail and medical marijuana stores were concentrated in Denver, El Paso and Boulder Counties. Overall, 40% of all licensed businesses were located in Denver County. Revenue from taxes, licenses and fees totaled \$247,368,474 in 2015; retail establishments accounted for 72% of all marijuana revenue. Marijuana taxes contributed about 1% of all tax revenue collected in the state. In addition, in April 2018, there were 88,946 medical marijuana card holders, down 23% from 2010; 93% of card holders reported severe pain as the debilitating condition. Finally, across the state, crime decreased from 2012 to 2014 but increased in subsequent years.

**APPENDIX A:**  
**OGDEN MEMORANDUM**



## U.S. Department of Justice

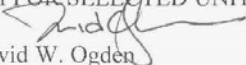
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

October 19, 2009

## MEMORANDUM FOR SELECTED UNITED STATES ATTORNEYS

FROM:   
David W. Ogden  
Deputy Attorney General

SUBJECT: Investigations and Prosecutions in States  
Authorizing the Medical Use of Marijuana

This memorandum provides clarification and guidance to federal prosecutors in States that have enacted laws authorizing the medical use of marijuana. These laws vary in their substantive provisions and in the extent of state regulatory oversight, both among the enacting States and among local jurisdictions within those States. Rather than developing different guidelines for every possible variant of state and local law, this memorandum provides uniform guidance to focus federal investigations and prosecutions in these States on core federal enforcement priorities.

The Department of Justice is committed to the enforcement of the Controlled Substances Act in all States. Congress has determined that marijuana is a dangerous drug, and the illegal distribution and sale of marijuana is a serious crime and provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. One timely example underscores the importance of our efforts to prosecute significant marijuana traffickers: marijuana distribution in the United States remains the single largest source of revenue for the Mexican cartels.

The Department is also committed to making efficient and rational use of its limited investigative and prosecutorial resources. In general, United States Attorneys are vested with "plenary authority with regard to federal criminal matters" within their districts. USAM 9-2.001. In exercising this authority, United States Attorneys are "invested by statute and delegation from the Attorney General with the broadest discretion in the exercise of such authority." *Id.* This authority should, of course, be exercised consistent with Department priorities and guidance.

The prosecution of significant traffickers of illegal drugs, including marijuana, and the disruption of illegal drug manufacturing and trafficking networks continues to be a core priority in the Department's efforts against narcotics and dangerous drugs, and the Department's investigative and prosecutorial resources should be directed towards these objectives. As a general matter, pursuit of these priorities should not focus federal resources in your States on



Memorandum for Selected United States Attorneys Page 2  
 Subject: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana

individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana. For example, prosecution of individuals with cancer or other serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law, or those caregivers in clear and unambiguous compliance with existing state law who provide such individuals with marijuana, is unlikely to be an efficient use of limited federal resources. On the other hand, prosecution of commercial enterprises that unlawfully market and sell marijuana for profit continues to be an enforcement priority of the Department. To be sure, claims of compliance with state or local law may mask operations inconsistent with the terms, conditions, or purposes of those laws, and federal law enforcement should not be deterred by such assertions when otherwise pursuing the Department's core enforcement priorities.

Typically, when any of the following characteristics is present, the conduct will not be in clear and unambiguous compliance with applicable state law and may indicate illegal drug trafficking activity of potential federal interest:

- unlawful possession or unlawful use of firearms;
- violence;
- sales to minors;
- financial and marketing activities inconsistent with the terms, conditions, or purposes of state law, including evidence of money laundering activity and/or financial gains or excessive amounts of cash inconsistent with purported compliance with state or local law;
- amounts of marijuana inconsistent with purported compliance with state or local law;
- illegal possession or sale of other controlled substances; or
- ties to other criminal enterprises.

Of course, no State can authorize violations of federal law, and the list of factors above is not intended to describe exhaustively when a federal prosecution may be warranted. Accordingly, in prosecutions under the Controlled Substances Act, federal prosecutors are not expected to charge, prove, or otherwise establish any state law violations. Indeed, this memorandum does not alter in any way the Department's authority to enforce federal law, including laws prohibiting the manufacture, production, distribution, possession, or use of marijuana on federal property. This guidance regarding resource allocation does not "legalize" marijuana or provide a legal defense to a violation of federal law, nor is it intended to create any privileges, benefits, or rights, substantive or procedural, enforceable by any individual, party or witness in any administrative, civil, or criminal matter. Nor does clear and unambiguous compliance with state law or the absence of one or all of the above factors create a legal defense to a violation of the Controlled Substances Act. Rather, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion.



Memorandum for Selected United States Attorneys Page 3  
 Subject: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana

Finally, nothing herein precludes investigation or prosecution where there is a reasonable basis to believe that compliance with state law is being invoked as a pretext for the production or distribution of marijuana for purposes not authorized by state law. Nor does this guidance preclude investigation or prosecution, even when there is clear and unambiguous compliance with existing state law, in particular circumstances where investigation or prosecution otherwise serves important federal interests.

Your offices should continue to review marijuana cases for prosecution on a case-by-case basis, consistent with the guidance on resource allocation and federal priorities set forth herein, the consideration of requests for federal assistance from state and local law enforcement authorities, and the Principles of Federal Prosecution.

cc: All United States Attorneys

Lanny A. Breuer  
 Assistant Attorney General  
 Criminal Division

B. Todd Jones  
 United States Attorney  
 District of Minnesota  
 Chair, Attorney General's Advisory Committee

Michele M. Leonhart  
 Acting Administrator  
 Drug Enforcement Administration

H. Marshall Jarrett  
 Director  
 Executive Office for United States Attorneys

Kevin L. Perkins  
 Assistant Director  
 Criminal Investigative Division  
 Federal Bureau of Investigation



## **APPENDIX B: COLE MEMORANDUM**





## U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 29, 2013

## MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole   
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Enforcement

In October 2009 and June 2011, the Department issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). This memorandum updates that guidance in light of state ballot initiatives that legalize under state law the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale. The guidance set forth herein applies to all federal enforcement activity, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states.

As the Department noted in its previous guidance, Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The Department of Justice is committed to enforcement of the CSA consistent with those determinations. The Department is also committed to using its limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, as several states enacted laws relating to the use of marijuana for medical purposes, the Department in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;



COLORADO  
Division of Criminal Justice  
Department of Public Safety



Memorandum for All United States Attorneys  
Subject: Guidance Regarding Marijuana Enforcement

Page 2

- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

These priorities will continue to guide the Department's enforcement of the CSA against marijuana-related conduct. Thus, this memorandum serves as guidance to Department attorneys and law enforcement to focus their enforcement resources and efforts, including prosecution, on persons or organizations whose conduct interferes with any one or more of these priorities, regardless of state law.<sup>1</sup>

Outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws. For example, the Department of Justice has not historically devoted resources to prosecuting individuals whose conduct is limited to possession of small amounts of marijuana for personal use on private property. Instead, the Department has left such lower-level or localized activity to state and local authorities and has stepped in to enforce the CSA only when the use, possession, cultivation, or distribution of marijuana has threatened to cause one of the harms identified above.

The enactment of state laws that endeavor to authorize marijuana production, distribution, and possession by establishing a regulatory scheme for these purposes affects this traditional joint federal-state approach to narcotics enforcement. The Department's guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. Jurisdictions that have implemented systems that provide for regulation of marijuana activity

<sup>1</sup> These enforcement priorities are listed in general terms; each encompasses a variety of conduct that may merit civil or criminal enforcement of the CSA. By way of example only, the Department's interest in preventing the distribution of marijuana to minors would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors.



Memorandum for All United States Attorneys  
Subject: Guidance Regarding Marijuana Enforcement

Page 3

must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations in a manner that ensures they do not undermine federal enforcement priorities.

In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above. Indeed, a robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for. In those circumstances, consistent with the traditional allocation of federal-state efforts in this area, enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity. If state enforcement efforts are not sufficiently robust to protect against the harms set forth above, the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms.

The Department's previous memoranda specifically addressed the exercise of prosecutorial discretion in states with laws authorizing marijuana cultivation and distribution for medical use. In those contexts, the Department advised that it likely was not an efficient use of federal resources to focus enforcement efforts on seriously ill individuals, or on their individual caregivers. In doing so, the previous guidance drew a distinction between the seriously ill and their caregivers, on the one hand, and large-scale, for-profit commercial enterprises, on the other, and advised that the latter continued to be appropriate targets for federal enforcement and prosecution. In drawing this distinction, the Department relied on the common-sense judgment that the size of a marijuana operation was a reasonable proxy for assessing whether marijuana trafficking implicates the federal enforcement priorities set forth above.

As explained above, however, both the existence of a strong and effective state regulatory system, and an operation's compliance with such a system, may allay the threat that an operation's size poses to federal enforcement interests. Accordingly, in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department's enforcement priorities listed above. Rather, prosecutors should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system. A marijuana operation's large scale or for-profit nature may be a relevant consideration for assessing the extent to which it undermines a particular federal enforcement priority. The primary question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.



Memorandum for All United States Attorneys  
Subject: Guidance Regarding Marijuana Enforcement

Page 4

As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

cc: Mythili Raman  
Acting Assistant Attorney General, Criminal Division

Loretta E. Lynch  
United States Attorney  
Eastern District of New York  
Chair, Attorney General's Advisory Committee

Michele M. Leonhart  
Administrator  
Drug Enforcement Administration

H. Marshall Jarrett  
Director  
Executive Office for United States Attorneys

Ronald T. Hosko  
Assistant Director  
Criminal Investigative Division  
Federal Bureau of Investigation



## **APPENDIX C: MARIJUANA ARRESTS**

**Appendix C, Table 1. Marijuana arrests, by county, 2012-2017**

| County      | Number of marijuana arrests |      |      |      |      |      |
|-------------|-----------------------------|------|------|------|------|------|
|             | 2012                        | 2013 | 2014 | 2015 | 2016 | 2017 |
| Unknown     | 1265                        | 275  | 333  | 337  | 273  | 278  |
| Adams       | 2222                        | 938  | 813  | 729  | 683  | 736  |
| Alamosa     | 2                           | 6    | 12   | 21   | 15   | 23   |
| Arapahoe    | 1466                        | 700  | 813  | 703  | 687  | 581  |
| Archuleta   | 17                          | 3    | 6    | 19   | 11   | 4    |
| Baca        | 17                          | 7    | 1    | 1    | 2    | 0    |
| Bent        | 0                           | 1    | 0    | 1    | 0    | 0    |
| Boulder     | 712                         | 433  | 352  | 391  | 445  | 656  |
| Broomfield  | 294                         | 127  | 132  | 76   | 113  | 108  |
| Chaffee     | 47                          | 14   | 17   | 13   | 19   | 10   |
| Cheyenne    | 2                           | 1    | 0    | 0    | 0    | 0    |
| Clear Creek | 44                          | 7    | 6    | 9    | 2    | 1    |
| Conejos     | 2                           | 0    | 0    | 0    | 0    | 0    |
| Costilla    | 0                           | 0    | 1    | 0    | 0    | 0    |
| Crowley     | 0                           | 0    | 0    | 1    | 0    | 3    |
| Custer      | 1                           | 1    | 3    | 4    | 2    | 2    |
| Delta       | 15                          | 15   | 8    | 2    | 24   | 21   |
| Denver      | 168                         | 451  | 836  | 1127 | 613  | 267  |
| Dolores     | 0                           | 1    | 1    | 0    | 0    | 4    |
| Douglas     | 533                         | 331  | 213  | 258  | 265  | 388  |
| Eagle       | 259                         | 124  | 93   | 114  | 90   | 89   |
| El Paso     | 848                         | 517  | 592  | 479  | 538  | 447  |
| Elbert      | 17                          | 19   | 17   | 7    | 4    | 12   |
| Fremont     | 38                          | 11   | 5    | 12   | 6    | 24   |
| Garfield    | 164                         | 50   | 44   | 87   | 84   | 123  |
| Gilpin      | 96                          | 7    | 4    | 6    | 3    | 6    |
| Grand       | 14                          | 2    | 4    | 0    | 2    | 0    |
| Gunnison    | 37                          | 29   | 31   | 49   | 33   | 44   |
| Hinsdale    | 0                           | 0    | 0    | 0    | 2    | 0    |
| Huerfano    | 13                          | 0    | 4    | 6    | 9    | 1    |
| Jackson     | 0                           | 0    | 0    | 0    | 0    | 0    |
| Jefferson   | 1443                        | 746  | 920  | 840  | 841  | 849  |
| Kiowa       | 1                           | 3    | 0    | 0    | 0    | 0    |
| Kit Carson  | 18                          | 11   | 4    | 17   | 10   | 15   |
| La Plata    | 54                          | 53   | 81   | 65   | 69   | 80   |
| Lake        | 24                          | 3    | 3    | 0    | 2    | 1    |
| Larimer     | 896                         | 464  | 459  | 419  | 514  | 470  |
| Las Animas  | 7                           | 5    | 1    | 1    | 0    | 4    |
| Lincoln     | 1                           | 0    | 0    | 1    | 1    | 7    |
| Logan       | 41                          | 3    | 28   | 34   | 17   | 11   |



**Appendix C, Table 1. Marijuana arrests, by county, 2012-2017**

| County     | Number of marijuana arrests |      |      |      |      |      |
|------------|-----------------------------|------|------|------|------|------|
|            | 2012                        | 2013 | 2014 | 2015 | 2016 | 2017 |
| Mesa       | 622                         | 408  | 419  | 380  | 326  | 424  |
| Mineral    | 0                           | 0    | 0    | 0    | 0    | 0    |
| Moffat     | 99                          | 22   | 20   | 29   | 47   | 30   |
| Montezuma  | 74                          | 6    | 14   | 6    | 10   | 8    |
| Montrose   | 133                         | 50   | 46   | 39   | 33   | 28   |
| Morgan     | 51                          | 19   | 34   | 10   | 18   | 23   |
| Otero      | 22                          | 3    | 6    | 14   | 5    | 8    |
| Ouray      | 0                           | 0    | 4    | 0    | 0    | 0    |
| Park       | 10                          | 1    | 4    | 2    | 3    | 0    |
| Phillips   | 2                           | 1    | 0    | 1    | 2    | 1    |
| Pitkin     | 7                           | 0    | 10   | 7    | 4    | 3    |
| Prowers    | 90                          | 32   | 38   | 3    | 7    | 2    |
| Pueblo     | 23                          | 20   | 23   | 21   | 43   | 37   |
| Rio Blanco | 26                          | 4    | 18   | 11   | 3    | 2    |
| Rio Grande | 28                          | 4    | 2    | 11   | 6    | 8    |
| Routt      | 90                          | 36   | 60   | 45   | 47   | 45   |
| Saguache   | 11                          | 0    | 2    | 2    | 0    | 10   |
| San Juan   | 0                           | 1    | 0    | 0    | 0    | 0    |
| San Miguel | 0                           | 0    | 0    | 0    | 0    | 0    |
| Sedgwick   | 1                           | 3    | 1    | 0    | 0    | 0    |
| Summit     | 63                          | 5    | 5    | 22   | 19   | 6    |
| Teller     | 55                          | 45   | 29   | 25   | 27   | 25   |
| Washington | 20                          | 2    | 1    | 1    | 2    | 0    |
| Weld       | 502                         | 336  | 329  | 270  | 269  | 228  |
| Yuma       | 2                           | 3    | 0    | 0    | 0    | 0    |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

Note: Since county is determined based on the law enforcement agency's location there are some statewide agencies, such as the Colorado State Patrol, that cannot be assigned to a specific county.

**Appendix C, Table 2. Marijuana arrest rate (per 100,000 county population), by county, 2012-2017**

| County      | Arrest rate (per 100,000 population) |      |      |      |      |      |
|-------------|--------------------------------------|------|------|------|------|------|
|             | 2012                                 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Adams       | 576                                  | 237  | 200  | 175  | 161  | 169  |
| Alamosa     | 15                                   | 45   | 89   | 154  | 109  | 165  |
| Arapahoe    | 286                                  | 134  | 152  | 129  | 124  | 103  |
| Archuleta   | 156                                  | 27   | 54   | 170  | 95   | 34   |
| Baca        | 512                                  | 216  | 31   | 32   | 64   | 0    |
| Bent        | 0                                    | 19   | 0    | 19   | 0    | 0    |
| Boulder     | 263                                  | 157  | 126  | 137  | 154  | 223  |
| Broomfield  | 581                                  | 244  | 246  | 134  | 194  | 179  |
| Chaffee     | 284                                  | 84   | 101  | 77   | 109  | 57   |
| Cheyenne    | 124                                  | 62   | 0    | 0    | 0    | 0    |
| Clear Creek | 533                                  | 85   | 72   | 106  | 23   | 12   |
| Conejos     | 29                                   | 0    | 0    | 0    | 0    | 0    |
| Costilla    | 0                                    | 0    | 31   | 0    | 0    | 0    |
| Crowley     | 0                                    | 0    | 0    | 19   | 0    | 62   |
| Custer      | 25                                   | 25   | 74   | 96   | 46   | 46   |
| Delta       | 56                                   | 56   | 30   | 7    | 88   | 76   |
| Denver      | 30                                   | 80   | 144  | 189  | 101  | 43   |
| Dolores     | 0                                    | 56   | 58   | 0    | 0    | 219  |
| Douglas     | 210                                  | 126  | 78   | 92   | 92   | 131  |
| Eagle       | 580                                  | 273  | 202  | 244  | 190  | 184  |
| El Paso     | 153                                  | 92   | 103  | 82   | 90   | 73   |
| Elbert      | 81                                   | 89   | 78   | 31   | 18   | 50   |
| Fremont     | 89                                   | 26   | 12   | 28   | 14   | 55   |
| Garfield    | 340                                  | 103  | 90   | 175  | 165  | 236  |
| Gilpin      | 1,956                                | 140  | 77   | 114  | 56   | 111  |
| Grand       | 111                                  | 16   | 31   | 0    | 15   | 0    |
| Gunnison    | 269                                  | 208  | 219  | 339  | 224  | 295  |
| Hinsdale    | 0                                    | 0    | 0    | 0    | 288  | 0    |
| Huerfano    | 217                                  | 0    | 68   | 102  | 148  | 16   |
| Jackson     | 0                                    | 0    | 0    | 0    | 0    | 0    |
| Jefferson   | 298                                  | 152  | 185  | 167  | 165  | 164  |
| Kiowa       | 78                                   | 238  | 0    | 0    | 0    | 0    |
| Kit Carson  | 253                                  | 152  | 57   | 237  | 150  | 224  |
| La Plata    | 116                                  | 112  | 168  | 133  | 139  | 156  |
| Lake        | 383                                  | 48   | 47   | 0    | 30   | 15   |
| Larimer     | 327                                  | 166  | 160  | 142  | 171  | 154  |
| Las Animas  | 53                                   | 39   | 8    | 8    | 0    | 32   |
| Lincoln     | 21                                   | 0    | 0    | 20   | 20   | 141  |



**Appendix C, Table 2. Marijuana arrest rate (per 100,000 county population), by county, 2012-2017**

| County     | Arrest rate (per 100,000 population) |      |      |      |      |      |
|------------|--------------------------------------|------|------|------|------|------|
|            | 2012                                 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Logan      | 208                                  | 15   | 141  | 171  | 86   | 55   |
| Mesa       | 483                                  | 317  | 324  | 292  | 247  | 318  |
| Mineral    | 0                                    | 0    | 0    | 0    | 0    | 0    |
| Moffat     | 885                                  | 197  | 182  | 263  | 419  | 267  |
| Montezuma  | 333                                  | 27   | 62   | 26   | 43   | 33   |
| Montrose   | 374                                  | 140  | 128  | 109  | 90   | 75   |
| Morgan     | 213                                  | 79   | 142  | 42   | 75   | 95   |
| Otero      | 137                                  | 19   | 38   | 88   | 31   | 50   |
| Ouray      | 0                                    | 0    | 95   | 0    | 0    | 0    |
| Park       | 69                                   | 7    | 27   | 13   | 19   | 0    |
| Phillips   | 53                                   | 26   | 0    | 27   | 54   | 27   |
| Pitkin     | 45                                   | 0    | 62   | 43   | 24   | 18   |
| Prowers    | 858                                  | 307  | 371  | 29   | 69   | 20   |
| Pueblo     | 16                                   | 14   | 16   | 15   | 30   | 25   |
| Rio Blanco | 446                                  | 69   | 315  | 195  | 53   | 35   |
| Rio Grande | 273                                  | 39   | 20   | 111  | 60   | 80   |
| Routt      | 435                                  | 172  | 280  | 207  | 213  | 201  |
| Saguache   | 201                                  | 0    | 37   | 37   | 0    | 177  |
| San Juan   | 0                                    | 158  | 0    | 0    | 0    | 0    |
| San Miguel | 0                                    | 0    | 0    | 0    | 0    | 0    |
| Sedgwick   | 47                                   | 144  | 48   | 0    | 0    | 0    |
| Summit     | 247                                  | 19   | 19   | 80   | 68   | 21   |
| Teller     | 261                                  | 214  | 137  | 118  | 123  | 112  |
| Washington | 477                                  | 47   | 23   | 23   | 46   | 0    |
| Weld       | 225                                  | 147  | 140  | 111  | 107  | 87   |
| Yuma       | 23                                   | 35   | 0    | 0    | 0    | 0    |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System; Colorado State Demography Office.  
 Analyzed by the Division of Criminal Justice.

Note: There is no rate for 'unknown county' because it is not possible to assign a population value.



**Appendix C, Table 3. Marijuana arrests, by county and race/ethnicity, 2012-2017**

| County    | Race/ethnicity                   | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|-----------|----------------------------------|-------|------|------|------|------|------|
| Unknown   | White                            | 1,072 | 209  | 266  | 248  | 199  | 178  |
|           | Hispanic                         | 124   | 51   | 46   | 70   | 58   | 66   |
|           | African-American                 | 54    | 12   | 16   | 14   | 12   | 30   |
|           | Asian                            | 12    | 2    | 5    | 4    | 2    | 3    |
|           | Native American                  | 3     | 1    | 0    | 1    | 2    | 1    |
|           | Total                            | 1,265 | 275  | 333  | 337  | 273  | 278  |
| Adams     | White                            | 1,259 | 486  | 439  | 362  | 327  | 328  |
|           | Hispanic                         | 835   | 395  | 339  | 319  | 308  | 356  |
|           | African-American                 | 94    | 39   | 29   | 33   | 33   | 35   |
|           | Asian                            | 17    | 8    | 2    | 11   | 7    | 9    |
|           | Native American                  | 6     | 3    | 0    | 1    | 4    | 1    |
|           | Unknown                          | 11    | 7    | 4    | 3    | 4    | 7    |
|           | Total                            | 2,222 | 938  | 813  | 729  | 683  | 736  |
| Alamosa   | White                            | 1     | 2    | 8    | 17   | 6    | 11   |
|           | Hispanic                         | 1     | 2    | 4    | 2    | 4    | 8    |
|           | African-American                 | 0     | 2    | 0    | 2    | 4    | 2    |
|           | Asian                            | 0     | 0    | 0    | 0    | 1    | 0    |
|           | Native Hawaiian/Pacific Islander | 0     | 0    | 0    | 0    | 0    | 2    |
|           | Total                            | 2     | 6    | 12   | 21   | 15   | 23   |
| Arapahoe  | White                            | 779   | 345  | 386  | 370  | 314  | 276  |
|           | Hispanic                         | 253   | 153  | 179  | 157  | 186  | 138  |
|           | African-American                 | 405   | 180  | 225  | 151  | 143  | 123  |
|           | Asian                            | 15    | 17   | 14   | 23   | 38   | 41   |
|           | Native American                  | 5     | 2    | 5    | 0    | 5    | 0    |
|           | Native Hawaiian/Pacific Islander | 0     | 0    | 0    | 0    | 1    | 0    |
|           | Unknown                          | 9     | 3    | 4    | 2    | 0    | 3    |
|           | Total                            | 1,466 | 700  | 813  | 703  | 687  | 581  |
| Archuleta | White                            | 14    | 2    | 4    | 14   | 7    | 4    |
|           | Hispanic                         | 3     | 1    | 2    | 5    | 2    | 0    |
|           | Native American                  | 0     | 0    | 0    | 0    | 2    | 0    |
|           | Total                            | 17    | 3    | 6    | 19   | 11   | 4    |
| Baca      | White                            | 13    | 6    | 1    | 1    | 2    | 0    |
|           | Hispanic                         | 3     | 1    | 0    | 0    | 0    | 0    |
|           | African-American                 | 1     | 0    | 0    | 0    | 0    | 0    |
|           | Total                            | 17    | 7    | 1    | 1    | 2    | 0    |

**Appendix C, Table 3. Marijuana arrests, by county and race/ethnicity, 2012-2017**

| County      | Race/ethnicity                   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------|----------------------------------|------|------|------|------|------|------|
| Bent        | White                            | 0    | 0    | 0    | 1    | 0    | 0    |
|             | Unknown                          | 0    | 1    | 0    | 0    | 0    | 0    |
|             | Total                            | 0    | 1    | 0    | 1    | 0    | 0    |
| Boulder     | White                            | 591  | 373  | 284  | 291  | 332  | 508  |
|             | Hispanic                         | 83   | 39   | 47   | 82   | 79   | 104  |
|             | African-American                 | 28   | 16   | 11   | 8    | 17   | 16   |
|             | Asian                            | 8    | 5    | 7    | 10   | 10   | 24   |
|             | Native American                  | 1    | 0    | 0    | 0    | 3    | 1    |
|             | Native Hawaiian/Pacific Islander | 0    | 0    | 0    | 0    | 2    | 0    |
|             | Unknown                          | 1    | 0    | 3    | 0    | 2    | 3    |
|             | Total                            | 712  | 433  | 352  | 391  | 445  | 656  |
| Broomfield  | White                            | 251  | 106  | 111  | 59   | 83   | 69   |
|             | Hispanic                         | 34   | 16   | 9    | 13   | 23   | 37   |
|             | African-American                 | 6    | 5    | 4    | 2    | 2    | 0    |
|             | Asian                            | 2    | 0    | 2    | 1    | 2    | 0    |
|             | Native American                  | 1    | 0    | 1    | 0    | 0    | 1    |
|             | Unknown                          | 0    | 0    | 5    | 1    | 3    | 1    |
|             | Total                            | 294  | 127  | 132  | 76   | 113  | 108  |
| Chaffee     | White                            | 45   | 13   | 15   | 11   | 18   | 9    |
|             | Hispanic                         | 1    | 1    | 0    | 0    | 1    | 0    |
|             | African-American                 | 1    | 0    | 2    | 2    | 0    | 1    |
|             | Total                            | 47   | 14   | 17   | 13   | 19   | 10   |
| Cheyenne    | White                            | 2    | 0    | 0    | 0    | 0    | 0    |
|             | African-American                 | 0    | 1    | 0    | 0    | 0    | 0    |
|             | Total                            | 2    | 1    | 0    | 0    | 0    | 0    |
| Clear Creek | White                            | 37   | 7    | 5    | 9    | 1    | 1    |
|             | Hispanic                         | 5    | 0    | 1    | 0    | 1    | 0    |
|             | Asian                            | 2    | 0    | 0    | 0    | 0    | 0    |
|             | Total                            | 44   | 7    | 6    | 9    | 2    | 1    |
| Conejos     | White                            | 1    | 0    | 0    | 0    | 0    | 0    |
|             | Hispanic                         | 1    | 0    | 0    | 0    | 0    | 0    |
|             | Total                            | 2    | 0    | 0    | 0    | 0    | 0    |
| Costilla    | Hispanic                         | 0    | 0    | 1    | 0    | 0    | 0    |
|             | Total                            | 0    | 0    | 1    | 0    | 0    | 0    |

**Appendix C, Table 3. Marijuana arrests, by county and race/ethnicity, 2012-2017**

| County  | Race/ethnicity                   | 2012 | 2013 | 2014 | 2015  | 2016 | 2017 |
|---------|----------------------------------|------|------|------|-------|------|------|
| Crowley | White                            | 0    | 0    | 0    | 1     | 0    | 1    |
|         | Hispanic                         | 0    | 0    | 0    | 0     | 0    | 2    |
|         | Total                            | 0    | 0    | 0    | 1     | 0    | 3    |
| Custer  | White                            | 1    | 1    | 3    | 4     | 1    | 2    |
|         | Hispanic                         | 0    | 0    | 0    | 0     | 1    | 0    |
|         | Total                            | 1    | 1    | 3    | 4     | 2    | 2    |
| Delta   | White                            | 13   | 15   | 7    | 2     | 19   | 15   |
|         | Hispanic                         | 2    | 0    | 1    | 0     | 4    | 6    |
|         | Native American                  | 0    | 0    | 0    | 0     | 1    | 0    |
|         | Total                            | 15   | 15   | 8    | 2     | 24   | 21   |
| Denver  | White                            | 63   | 167  | 321  | 511   | 265  | 131  |
|         | Hispanic                         | 49   | 165  | 280  | 312   | 192  | 65   |
|         | African-American                 | 55   | 110  | 213  | 258   | 135  | 55   |
|         | Asian                            | 0    | 5    | 7    | 16    | 8    | 14   |
|         | Native American                  | 1    | 1    | 8    | 12    | 4    | 0    |
|         | Unknown                          | 0    | 3    | 7    | 18    | 9    | 2    |
|         | Total                            | 168  | 451  | 836  | 1,127 | 613  | 267  |
| Dolores | White                            | 0    | 1    | 1    | 0     | 0    | 4    |
|         | Total                            | 0    | 1    | 1    | 0     | 0    | 4    |
| Douglas | White                            | 469  | 288  | 181  | 225   | 213  | 315  |
|         | Hispanic                         | 31   | 24   | 20   | 24    | 27   | 40   |
|         | African-American                 | 26   | 16   | 9    | 6     | 16   | 23   |
|         | Asian                            | 6    | 3    | 2    | 1     | 7    | 5    |
|         | Native American                  | 1    | 0    | 0    | 1     | 1    | 1    |
|         | Native Hawaiian/Pacific Islander | 0    | 0    | 1    | 0     | 0    | 0    |
|         | Unknown                          | 0    | 0    | 0    | 1     | 1    | 4    |
|         | Total                            | 533  | 331  | 213  | 258   | 265  | 388  |
| Eagle   | White                            | 205  | 94   | 54   | 81    | 62   | 60   |
|         | Hispanic                         | 48   | 30   | 36   | 30    | 24   | 24   |
|         | African-American                 | 3    | 0    | 3    | 2     | 1    | 1    |
|         | Asian                            | 3    | 0    | 0    | 1     | 0    | 2    |
|         | Native American                  | 0    | 0    | 0    | 0     | 1    | 0    |
|         | Unknown                          | 0    | 0    | 0    | 0     | 2    | 2    |
|         | Total                            | 259  | 124  | 93   | 114   | 90   | 89   |

**Appendix C, Table 3. Marijuana arrests, by county and race/ethnicity, 2012-2017**

| County   | Race/ethnicity                   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|----------|----------------------------------|------|------|------|------|------|------|
| El Paso  | White                            | 617  | 369  | 404  | 339  | 375  | 260  |
|          | Hispanic                         | 83   | 49   | 73   | 58   | 73   | 93   |
|          | African-American                 | 134  | 91   | 109  | 75   | 84   | 80   |
|          | Asian                            | 12   | 5    | 4    | 2    | 3    | 11   |
|          | Native American                  | 2    | 3    | 1    | 3    | 0    | 2    |
|          | Unknown                          | 0    | 0    | 1    | 2    | 3    | 1    |
|          | Total                            | 848  | 517  | 592  | 479  | 538  | 447  |
| Elbert   | White                            | 15   | 16   | 15   | 7    | 2    | 11   |
|          | Hispanic                         | 2    | 3    | 1    | 0    | 2    | 1    |
|          | Native Hawaiian/Pacific Islander | 0    | 0    | 1    | 0    | 0    | 0    |
|          | Total                            | 17   | 19   | 17   | 7    | 4    | 12   |
| Fremont  | White                            | 37   | 10   | 5    | 11   | 6    | 19   |
|          | Hispanic                         | 1    | 1    | 0    | 0    | 0    | 0    |
|          | African-American                 | 0    | 0    | 0    | 1    | 0    | 2    |
|          | Native American                  | 0    | 0    | 0    | 0    | 0    | 1    |
|          | Unknown                          | 0    | 0    | 0    | 0    | 0    | 2    |
|          | Total                            | 38   | 11   | 5    | 12   | 6    | 24   |
| Garfield | White                            | 122  | 31   | 27   | 67   | 52   | 70   |
|          | Hispanic                         | 38   | 18   | 15   | 19   | 28   | 49   |
|          | African-American                 | 4    | 1    | 2    | 1    | 3    | 3    |
|          | Asian                            | 0    | 0    | 0    | 0    | 0    | 1    |
|          | Native Hawaiian/Pacific Islander | 0    | 0    | 0    | 0    | 1    | 0    |
|          | Total                            | 164  | 50   | 44   | 87   | 84   | 123  |
| Gilpin   | White                            | 83   | 7    | 2    | 5    | 3    | 5    |
|          | Hispanic                         | 5    | 0    | 1    | 1    | 0    | 1    |
|          | African-American                 | 6    | 0    | 1    | 0    | 0    | 0    |
|          | Asian                            | 2    | 0    | 0    | 0    | 0    | 0    |
|          | Total                            | 96   | 7    | 4    | 6    | 3    | 6    |
| Grand    | White                            | 11   | 2    | 3    | 0    | 2    | 0    |
|          | Hispanic                         | 3    | 0    | 1    | 0    | 0    | 0    |
|          | Total                            | 14   | 2    | 4    | 0    | 2    | 0    |

**Appendix C, Table 3. Marijuana arrests, by county and race/ethnicity, 2012-2017**

| County     | Race/ethnicity                   | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|----------------------------------|-------|------|------|------|------|------|
| Gunnison   | White                            | 35    | 29   | 30   | 44   | 27   | 38   |
|            | Hispanic                         | 0     | 0    | 1    | 2    | 5    | 3    |
|            | African-American                 | 1     | 0    | 0    | 2    | 1    | 3    |
|            | Native American                  | 1     | 0    | 0    | 0    | 0    | 0    |
|            | Native Hawaiian/Pacific Islander | 0     | 0    | 0    | 1    | 0    | 0    |
|            | Total                            | 37    | 29   | 31   | 49   | 33   | 44   |
| Hinsdale   | White                            | 0     | 0    | 0    | 0    | 2    | 0    |
|            | Total                            | 0     | 0    | 0    | 0    | 2    | 0    |
| Huerfano   | White                            | 2     | 0    | 2    | 5    | 4    | 0    |
|            | Hispanic                         | 11    | 0    | 2    | 1    | 5    | 1    |
|            | Total                            | 13    | 0    | 4    | 6    | 9    | 1    |
| Jefferson  | White                            | 1,152 | 589  | 688  | 628  | 649  | 641  |
|            | Hispanic                         | 218   | 114  | 196  | 178  | 162  | 151  |
|            | African-American                 | 49    | 31   | 28   | 27   | 22   | 43   |
|            | Asian                            | 15    | 10   | 6    | 3    | 7    | 7    |
|            | Native American                  | 8     | 2    | 1    | 4    | 0    | 4    |
|            | Native Hawaiian/Pacific Islander | 0     | 0    | 0    | 0    | 0    | 1    |
|            | Unknown                          | 1     | 0    | 1    | 0    | 1    | 2    |
|            | Total                            | 1,443 | 746  | 920  | 840  | 841  | 849  |
| Kiowa      | White                            | 1     | 3    | 0    | 0    | 0    | 0    |
|            | Total                            | 1     | 3    | 0    | 0    | 0    | 0    |
| Kit Carson | White                            | 10    | 8    | 4    | 11   | 6    | 13   |
|            | Hispanic                         | 7     | 2    | 0    | 4    | 3    | 1    |
|            | African-American                 | 1     | 1    | 0    | 2    | 1    | 1    |
|            | Total                            | 18    | 11   | 4    | 17   | 10   | 15   |
| La Plata   | White                            | 45    | 42   | 42   | 38   | 43   | 59   |
|            | Hispanic                         | 2     | 3    | 5    | 11   | 6    | 10   |
|            | African-American                 | 1     | 1    | 0    | 1    | 3    | 1    |
|            | Asian                            | 0     | 1    | 0    | 0    | 0    | 0    |
|            | Native American                  | 5     | 6    | 34   | 15   | 17   | 10   |
|            | Unknown                          | 1     | 0    | 0    | 0    | 0    | 0    |
|            | Total                            | 54    | 53   | 81   | 65   | 69   | 80   |
| Lake       | White                            | 17    | 3    | 1    | 0    | 1    | 1    |
|            | Hispanic                         | 7     | 0    | 2    | 0    | 1    | 0    |
|            | Total                            | 24    | 3    | 3    | 0    | 2    | 1    |

**Appendix C, Table 3. Marijuana arrests, by county and race/ethnicity, 2012-2017**

| County     | Race/ethnicity                   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|----------------------------------|------|------|------|------|------|------|
| Larimer    | White                            | 710  | 348  | 347  | 316  | 397  | 359  |
|            | Hispanic                         | 138  | 88   | 84   | 77   | 88   | 84   |
|            | African-American                 | 39   | 19   | 24   | 22   | 22   | 18   |
|            | Asian                            | 4    | 3    | 1    | 3    | 4    | 1    |
|            | Native American                  | 3    | 2    | 1    | 0    | 2    | 0    |
|            | Native Hawaiian/Pacific Islander | 0    | 1    | 0    | 1    | 0    | 1    |
|            | Unknown                          | 2    | 3    | 2    | 0    | 1    | 7    |
|            | Total                            | 896  | 464  | 459  | 419  | 514  | 470  |
| Las Animas | White                            | 2    | 1    | 0    | 0    | 0    | 1    |
|            | Hispanic                         | 5    | 4    | 0    | 1    | 0    | 3    |
|            | African-American                 | 0    | 0    | 1    | 0    | 0    | 0    |
|            | Total                            | 7    | 5    | 1    | 1    | 0    | 4    |
| Lincoln    | White                            | 1    | 0    | 0    | 0    | 0    | 1    |
|            | Hispanic                         | 0    | 0    | 0    | 0    | 0    | 6    |
|            | African-American                 | 0    | 0    | 0    | 1    | 1    | 0    |
|            | Total                            | 1    | 0    | 0    | 1    | 1    | 7    |
| Logan      | White                            | 33   | 3    | 26   | 19   | 13   | 8    |
|            | Hispanic                         | 6    | 0    | 2    | 6    | 4    | 1    |
|            | African-American                 | 2    | 0    | 0    | 9    | 0    | 2    |
|            | Total                            | 41   | 3    | 28   | 34   | 17   | 11   |
| Mesa       | White                            | 525  | 329  | 324  | 280  | 252  | 321  |
|            | Hispanic                         | 70   | 65   | 79   | 73   | 50   | 79   |
|            | African-American                 | 22   | 12   | 16   | 19   | 23   | 16   |
|            | Asian                            | 4    | 0    | 0    | 5    | 0    | 4    |
|            | Native American                  | 1    | 0    | 0    | 2    | 0    | 0    |
|            | Native Hawaiian/Pacific Islander | 0    | 2    | 0    | 1    | 1    | 4    |
|            | Unknown                          |      |      |      |      |      |      |
|            | Total                            | 622  | 408  | 419  | 380  | 326  | 424  |
| Moffat     | White                            | 85   | 16   | 16   | 22   | 39   | 27   |
|            | Hispanic                         | 10   | 6    | 4    | 7    | 8    | 3    |
|            | Native American                  | 4    | 0    | 0    | 0    | 0    | 0    |
|            | Total                            | 99   | 22   | 20   | 29   | 47   | 30   |
| Montezuma  | White                            | 43   | 3    | 12   | 5    | 7    | 5    |
|            | Hispanic                         | 1    | 0    | 1    | 0    | 2    | 0    |
|            | Native American                  | 30   | 3    | 1    | 1    | 1    | 3    |
|            | Total                            | 74   | 6    | 14   | 6    | 10   | 8    |

**Appendix C, Table 3. Marijuana arrests, by county and race/ethnicity, 2012-2017**

| County   | Race/ethnicity                   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|----------|----------------------------------|------|------|------|------|------|------|
| Montrose | White                            | 93   | 30   | 24   | 35   | 28   | 20   |
|          | Hispanic                         | 39   | 19   | 17   | 4    | 4    | 8    |
|          | African-American                 | 1    | 0    | 1    | 0    | 0    | 0    |
|          | Unknown                          | 0    | 1    | 4    | 0    | 1    | 0    |
|          | Total                            | 133  | 50   | 46   | 39   | 33   | 28   |
| Morgan   | White                            | 24   | 4    | 11   | 4    | 11   | 9    |
|          | Hispanic                         | 24   | 15   | 23   | 5    | 7    | 13   |
|          | African-American                 | 3    | 0    | 0    | 1    | 0    | 1    |
|          | Total                            | 51   | 19   | 34   | 10   | 18   | 23   |
| Otero    | White                            | 14   | 2    | 1    | 3    | 4    | 2    |
|          | Hispanic                         | 8    | 1    | 1    | 9    | 1    | 3    |
|          | African-American                 | 0    | 0    | 4    | 2    | 0    | 3    |
|          | Total                            | 22   | 3    | 6    | 14   | 5    | 8    |
| Ouray    | White                            | 0    | 0    | 3    | 0    | 0    | 0    |
|          | Hispanic                         | 0    | 0    | 1    | 0    | 0    | 0    |
|          | Total                            | 0    | 0    | 4    | 0    | 0    | 0    |
| Park     | White                            | 9    | 1    | 4    | 2    | 3    | 0    |
|          | Hispanic                         | 1    | 0    | 0    | 0    | 0    | 0    |
|          | Total                            | 10   | 1    | 4    | 2    | 3    | 0    |
| Phillips | White                            | 2    | 1    | 0    | 0    | 1    | 0    |
|          | Hispanic                         | 0    | 0    | 0    | 1    | 0    | 1    |
|          | African-American                 | 0    | 0    | 0    | 0    | 1    | 0    |
|          | Total                            | 2    | 1    | 0    | 1    | 2    | 1    |
| Pitkin   | White                            | 7    | 0    | 10   | 7    | 3    | 3    |
|          | Hispanic                         | 0    | 0    | 0    | 0    | 1    | 0    |
|          | Total                            | 7    | 0    | 10   | 7    | 4    | 3    |
| Prowers  | White                            | 51   | 28   | 26   | 1    | 5    | 0    |
|          | Hispanic                         | 33   | 3    | 11   | 1    | 2    | 2    |
|          | African-American                 | 4    | 0    | 1    | 1    | 0    | 0    |
|          | Asian                            | 2    | 0    | 0    | 0    | 0    | 0    |
|          | Native Hawaiian/Pacific Islander | 0    | 1    | 0    | 0    | 0    | 0    |
|          | Total                            | 90   | 32   | 38   | 3    | 7    | 2    |

**Appendix C, Table 3. Marijuana arrests, by county and race/ethnicity, 2012-2017**

| County     | Race/ethnicity   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|------------------|------|------|------|------|------|------|
| Pueblo     | White            | 7    | 14   | 10   | 11   | 25   | 20   |
|            | Hispanic         | 14   | 5    | 13   | 9    | 16   | 16   |
|            | African-American | 2    | 1    | 0    | 0    | 1    | 1    |
|            | Asian            | 0    | 0    | 0    | 1    | 0    | 0    |
|            | Unknown          | 0    | 0    | 0    | 0    | 1    | 0    |
|            | Total            | 23   | 20   | 23   | 21   | 43   | 37   |
| Rio Blanco | White            | 23   | 4    | 11   | 7    | 3    | 2    |
|            | Hispanic         | 2    | 0    | 5    | 2    | 0    | 0    |
|            | African-American | 1    | 0    | 1    | 1    | 0    | 0    |
|            | Asian            | 0    | 0    | 0    | 1    | 0    | 0    |
|            | Native American  | 0    | 0    | 1    | 0    | 0    | 0    |
|            | Total            | 26   | 4    | 18   | 11   | 3    | 2    |
| Rio Grande | White            | 26   | 2    | 2    | 9    | 6    | 3    |
|            | Hispanic         | 2    | 2    | 0    | 2    | 0    | 5    |
|            | Total            | 28   | 4    | 2    | 11   | 6    | 8    |
| Routt      | White            | 88   | 33   | 58   | 42   | 42   | 39   |
|            | Hispanic         | 2    | 1    | 2    | 3    | 4    | 5    |
|            | African-American | 0    | 1    | 0    | 0    | 1    | 1    |
|            | Unknown          | 0    | 1    | 0    | 0    | 0    | 0    |
|            | Total            | 90   | 36   | 60   | 45   | 47   | 45   |
| Saguache   | White            | 10   | 0    | 1    | 0    | 0    | 1    |
|            | Hispanic         | 1    | 0    | 1    | 2    | 0    | 9    |
|            | Total            | 11   | 0    | 2    | 2    | 0    | 10   |
| San Juan   | White            | 0    | 1    | 0    | 0    | 0    | 0    |
|            | Total            | 0    | 1    | 0    | 0    | 0    | 0    |
| Sedgwick   | White            | 0    | 3    | 1    | 0    | 0    | 0    |
|            | Hispanic         | 1    | 0    | 0    | 0    | 0    | 0    |
|            | Total            | 1    | 3    | 1    | 0    | 0    | 0    |
| Summit     | White            | 50   | 5    | 5    | 18   | 12   | 3    |
|            | Hispanic         | 13   | 0    | 0    | 2    | 4    | 1    |
|            | African-American | 0    | 0    | 0    | 0    | 2    | 1    |
|            | Asian            | 0    | 0    | 0    | 2    | 0    | 0    |
|            | Unknown          | 0    | 0    | 0    | 0    | 1    | 1    |
|            | Total            | 63   | 5    | 5    | 22   | 19   | 6    |



**Appendix C, Table 3. Marijuana arrests, by county and race/ethnicity, 2012-2017**

| County     | Race/ethnicity                   | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|------------|----------------------------------|--------|-------|-------|-------|-------|-------|
| Teller     | White                            | 51     | 45    | 27    | 21    | 23    | 20    |
|            | Hispanic                         | 1      | 0     | 0     | 2     | 2     | 3     |
|            | African-American                 | 3      | 0     | 2     | 2     | 2     | 1     |
|            | Asian                            | 0      | 0     | 0     | 0     | 0     | 1     |
|            | Total                            | 55     | 45    | 29    | 25    | 27    | 25    |
| Washington | White                            | 19     | 2     | 1     | 1     | 2     | 0     |
|            | African-American                 | 1      | 0     | 0     | 0     | 0     | 0     |
|            | Total                            | 20     | 2     | 1     | 1     | 2     | 0     |
| Weld       | White                            | 369    | 278   | 270   | 210   | 232   | 196   |
|            | Hispanic                         | 119    | 48    | 46    | 47    | 26    | 25    |
|            | African-American                 | 10     | 8     | 10    | 10    | 9     | 4     |
|            | Asian                            | 1      | 0     | 2     | 1     | 2     | 1     |
|            | Native American                  | 1      | 0     | 0     | 0     | 0     | 0     |
|            | Unknown                          | 2      | 2     | 1     | 2     | 0     | 2     |
|            | Total                            | 502    | 336   | 329   | 270   | 269   | 228   |
| Yuma       | White                            | 2      | 0     | 0     | 0     | 0     | 0     |
|            | Hispanic                         | 0      | 3     | 0     | 0     | 0     | 0     |
|            | Total                            | 2      | 3     | 0     | 0     | 0     | 0     |
| Total      | White                            | 9,207  | 4,377 | 4,499 | 4,375 | 4,129 | 4,069 |
|            | Hispanic                         | 2,340  | 1,328 | 1,552 | 1,541 | 1,414 | 1,423 |
|            | African-American                 | 957    | 547   | 712   | 655   | 539   | 467   |
|            | Asian                            | 105    | 59    | 52    | 85    | 91    | 124   |
|            | Native American                  | 73     | 23    | 53    | 40    | 43    | 25    |
|            | Native Hawaiian/Pacific Islander | 0      | 4     | 2     | 3     | 5     | 8     |
|            | Unknown                          | 27     | 21    | 32    | 29    | 29    | 37    |
|            | Total                            | 12,709 | 6,359 | 6,902 | 6,728 | 6,250 | 6,153 |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

Note: Since county is determined based on the law enforcement agency's location there are some statewide agencies, such as the Colorado State Patrol, that cannot be assigned to a specific county.

**Appendix C, Table 4. Marijuana arrests, by county and age group, 2012-2017**

| County    | Age group   | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|-----------|-------------|-------|------|------|------|------|------|
| Unknown   | Under 18    | 55    | 28   | 45   | 54   | 51   | 40   |
|           | 18 to 20    | 272   | 177  | 192  | 158  | 132  | 126  |
|           | 21 or older | 938   | 70   | 96   | 125  | 90   | 112  |
|           | Total       | 1,265 | 275  | 333  | 337  | 273  | 278  |
| Adams     | Under 18    | 586   | 489  | 492  | 475  | 420  | 437  |
|           | 18 to 20    | 517   | 270  | 249  | 198  | 188  | 201  |
|           | 21 or older | 1,119 | 179  | 72   | 56   | 75   | 98   |
|           | Total       | 2,222 | 938  | 813  | 729  | 683  | 736  |
| Alamosa   | Under 18    | 0     | 0    | 0    | 2    | 1    | 4    |
|           | 18 to 20    | 0     | 5    | 10   | 17   | 13   | 17   |
|           | 21 or older | 2     | 1    | 2    | 2    | 1    | 2    |
|           | Total       | 2     | 6    | 12   | 21   | 15   | 23   |
| Arapahoe  | Under 18    | 393   | 335  | 390  | 291  | 299  | 238  |
|           | 18 to 20    | 325   | 222  | 195  | 177  | 134  | 110  |
|           | 21 or older | 748   | 143  | 228  | 235  | 254  | 233  |
|           | Total       | 1,466 | 700  | 813  | 703  | 687  | 581  |
| Archuleta | Under 18    | 7     | 3    | 3    | 11   | 7    | 2    |
|           | 18 to 20    | 7     | 0    | 3    | 7    | 1    | 0    |
|           | 21 or older | 3     | 0    | 0    | 1    | 3    | 2    |
|           | Total       | 17    | 3    | 6    | 19   | 11   | 4    |
| Baca      | Under 18    | 0     | 0    | 0    | 0    | 0    | 0    |
|           | 18 to 20    | 1     | 2    | 0    | 1    | 0    | 0    |
|           | 21 or older | 16    | 5    | 1    | 0    | 2    | 0    |
|           | Total       | 17    | 7    | 1    | 1    | 2    | 0    |
| Bent      | Under 18    | 0     | 0    | 0    | 1    | 0    | 0    |
|           | 18 to 20    | 0     | 1    | 0    | 0    | 0    | 0    |
|           | 21 or older | 0     | 0    | 0    | 0    | 0    | 0    |
|           | Total       | 0     | 1    | 0    | 1    | 0    | 0    |
| Boulder   | Under 18    | 121   | 87   | 116  | 120  | 119  | 106  |
|           | 18 to 20    | 365   | 281  | 191  | 240  | 282  | 517  |
|           | 21 or older | 226   | 65   | 45   | 31   | 44   | 33   |
|           | Total       | 712   | 433  | 352  | 391  | 445  | 656  |

**Appendix C, Table 4. Marijuana arrests, by county and age group, 2012-2017**

| County      | Age group   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------|-------------|------|------|------|------|------|------|
| Broomfield  | Under 18    | 112  | 70   | 81   | 46   | 72   | 89   |
|             | 18 to 20    | 77   | 49   | 47   | 26   | 32   | 18   |
|             | 21 or older | 105  | 8    | 4    | 4    | 9    | 1    |
|             | Total       | 294  | 127  | 132  | 76   | 113  | 108  |
| Chaffee     | Under 18    | 20   | 7    | 9    | 8    | 10   | 4    |
|             | 18 to 20    | 7    | 7    | 7    | 4    | 8    | 4    |
|             | 21 or older | 20   | 0    | 1    | 1    | 1    | 2    |
|             | Total       | 47   | 14   | 17   | 13   | 19   | 10   |
| Cheyenne    | Under 18    | 0    | 0    | 0    | 0    | 0    | 0    |
|             | 18 to 20    | 0    | 0    | 0    | 0    | 0    | 0    |
|             | 21 or older | 2    | 1    | 0    | 0    | 0    | 0    |
|             | Total       | 2    | 1    | 0    | 0    | 0    | 0    |
| Clear Creek | Under 18    | 9    | 3    | 1    | 4    | 2    | 1    |
|             | 18 to 20    | 1    | 2    | 5    | 3    | 0    | 0    |
|             | 21 or older | 34   | 2    | 0    | 2    | 0    | 0    |
|             | Total       | 44   | 7    | 6    | 9    | 2    | 1    |
| Conejos     | Under 18    | 1    | 0    | 0    | 0    | 0    | 0    |
|             | 18 to 20    | 1    | 0    | 0    | 0    | 0    | 0    |
|             | 21 or older | 0    | 0    | 0    | 0    | 0    | 0    |
|             | Total       | 2    | 0    | 0    | 0    | 0    | 0    |
| Costilla    | Under 18    | 0    | 0    | 0    | 0    | 0    | 0    |
|             | 18 to 20    | 0    | 0    | 0    | 0    | 0    | 0    |
|             | 21 or older | 0    | 0    | 1    | 0    | 0    | 0    |
|             | Total       | 0    | 0    | 1    | 0    | 0    | 0    |
| Crowley     | Under 18    | 0    | 0    | 0    | 0    | 0    | 0    |
|             | 18 to 20    | 0    | 0    | 0    | 1    | 0    | 1    |
|             | 21 or older | 0    | 0    | 0    | 0    | 0    | 2    |
|             | Total       | 0    | 0    | 0    | 1    | 0    | 3    |
| Custer      | Under 18    | 0    | 0    | 0    | 2    | 0    | 1    |
|             | 18 to 20    | 0    | 1    | 1    | 0    | 0    | 0    |
|             | 21 or older | 1    | 0    | 2    | 2    | 2    | 1    |
|             | Total       | 1    | 1    | 3    | 4    | 2    | 2    |

**Appendix C, Table 4. Marijuana arrests, by county and age group, 2012-2017**

| County  | Age group   | 2012 | 2013 | 2014 | 2015  | 2016 | 2017 |
|---------|-------------|------|------|------|-------|------|------|
| Delta   | Under 18    | 4    | 7    | 6    | 1     | 19   | 15   |
|         | 18 to 20    | 3    | 7    | 2    | 1     | 3    | 3    |
|         | 21 or older | 8    | 1    | 0    | 0     | 2    | 3    |
|         | Total       | 15   | 15   | 8    | 2     | 24   | 21   |
| Denver  | Under 18    | 30   | 198  | 363  | 316   | 182  | 61   |
|         | 18 to 20    | 27   | 51   | 94   | 140   | 70   | 27   |
|         | 21 or older | 111  | 202  | 379  | 671   | 361  | 179  |
|         | Total       | 168  | 451  | 836  | 1,127 | 613  | 267  |
| Dolores | Under 18    | 0    | 1    | 0    | 0     | 0    | 0    |
|         | 18 to 20    | 0    | 0    | 1    | 0     | 0    | 0    |
|         | 21 or older | 0    | 0    | 0    | 0     | 0    | 4    |
|         | Total       | 0    | 1    | 1    | 0     | 0    | 4    |
| Douglas | Under 18    | 200  | 181  | 114  | 141   | 110  | 193  |
|         | 18 to 20    | 153  | 130  | 89   | 109   | 139  | 165  |
|         | 21 or older | 180  | 20   | 10   | 8     | 16   | 30   |
|         | Total       | 533  | 331  | 213  | 258   | 265  | 388  |
| Eagle   | Under 18    | 38   | 32   | 22   | 24    | 11   | 30   |
|         | 18 to 20    | 48   | 36   | 33   | 35    | 27   | 22   |
|         | 21 or older | 173  | 56   | 38   | 55    | 52   | 37   |
|         | Total       | 259  | 124  | 93   | 114   | 90   | 89   |
| El Paso | Under 18    | 267  | 286  | 263  | 214   | 201  | 204  |
|         | 18 to 20    | 252  | 149  | 172  | 115   | 119  | 110  |
|         | 21 or older | 329  | 82   | 157  | 150   | 218  | 133  |
|         | Total       | 848  | 517  | 592  | 479   | 538  | 447  |
| Elbert  | Under 18    | 7    | 16   | 15   | 1     | 0    | 0    |
|         | 18 to 20    | 3    | 2    | 2    | 2     | 0    | 2    |
|         | 21 or older | 7    | 1    | 0    | 4     | 4    | 10   |
|         | Total       | 17   | 19   | 17   | 7     | 4    | 12   |
| Fremont | Under 18    | 6    | 6    | 1    | 0     | 0    | 14   |
|         | 18 to 20    | 12   | 4    | 3    | 4     | 1    | 8    |
|         | 21 or older | 20   | 1    | 1    | 8     | 5    | 2    |
|         | Total       | 38   | 11   | 5    | 12    | 6    | 24   |

**Appendix C, Table 4. Marijuana arrests, by county and age group, 2012-2017**

| County    | Age group   | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|-----------|-------------|-------|------|------|------|------|------|
| Garfield  | Under 18    | 42    | 26   | 13   | 29   | 35   | 48   |
|           | 18 to 20    | 32    | 20   | 27   | 35   | 28   | 44   |
|           | 21 or older | 90    | 4    | 4    | 23   | 21   | 31   |
|           | Total       | 164   | 50   | 44   | 87   | 84   | 123  |
| Gilpin    | Under 18    | 5     | 0    | 0    | 0    | 1    | 0    |
|           | 18 to 20    | 4     | 2    | 3    | 4    | 0    | 3    |
|           | 21 or older | 87    | 5    | 1    | 2    | 2    | 3    |
|           | Total       | 96    | 7    | 4    | 6    | 3    | 6    |
| Grand     | Under 18    | 3     | 2    | 4    | 0    | 1    | 0    |
|           | 18 to 20    | 5     | 0    | 0    | 0    | 1    | 0    |
|           | 21 or older | 6     | 0    | 0    | 0    | 0    | 0    |
|           | Total       | 14    | 2    | 4    | 0    | 2    | 0    |
| Gunnison  | Under 18    | 0     | 3    | 5    | 9    | 8    | 8    |
|           | 18 to 20    | 24    | 17   | 12   | 32   | 19   | 26   |
|           | 21 or older | 13    | 9    | 14   | 8    | 6    | 10   |
|           | Total       | 37    | 29   | 31   | 49   | 33   | 44   |
| Hinsdale  | Under 18    | 0     | 0    | 0    | 0    | 0    | 0    |
|           | 18 to 20    | 0     | 0    | 0    | 0    | 1    | 0    |
|           | 21 or older | 0     | 0    | 0    | 0    | 1    | 0    |
|           | Total       | 0     | 0    | 0    | 0    | 2    | 0    |
| Huerfano  | Under 18    | 0     | 0    | 0    | 2    | 3    | 0    |
|           | 18 to 20    | 1     | 0    | 2    | 0    | 0    | 0    |
|           | 21 or older | 12    | 0    | 2    | 4    | 6    | 1    |
|           | Total       | 13    | 0    | 4    | 6    | 9    | 1    |
| Jefferson | Under 18    | 570   | 518  | 596  | 533  | 498  | 575  |
|           | 18 to 20    | 335   | 160  | 225  | 212  | 238  | 197  |
|           | 21 or older | 538   | 68   | 99   | 95   | 105  | 77   |
|           | Total       | 1,443 | 746  | 920  | 840  | 841  | 849  |
| Kiowa     | Under 18    | 0     | 0    | 0    | 0    | 0    | 0    |
|           | 18 to 20    | 1     | 2    | 0    | 0    | 0    | 0    |
|           | 21 or older | 0     | 1    | 0    | 0    | 0    | 0    |
|           | Total       | 1     | 3    | 0    | 0    | 0    | 0    |

**Appendix C, Table 4. Marijuana arrests, by county and age group, 2012-2017**

| County     | Age group   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|-------------|------|------|------|------|------|------|
| Kit Carson | Under 18    | 4    | 1    | 3    | 8    | 4    | 0    |
|            | 18 to 20    | 7    | 7    | 0    | 5    | 3    | 7    |
|            | 21 or older | 7    | 3    | 1    | 4    | 3    | 8    |
|            | Total       | 18   | 11   | 4    | 17   | 10   | 15   |
| La Plata   | Under 18    | 12   | 4    | 8    | 9    | 12   | 20   |
|            | 18 to 20    | 34   | 44   | 67   | 40   | 45   | 34   |
|            | 21 or older | 8    | 5    | 6    | 16   | 12   | 26   |
|            | Total       | 54   | 53   | 81   | 65   | 69   | 80   |
| Lake       | Under 18    | 2    | 0    | 1    | 0    | 1    | 0    |
|            | 18 to 20    | 3    | 0    | 1    | 0    | 1    | 0    |
|            | 21 or older | 19   | 3    | 1    | 0    | 0    | 1    |
|            | Total       | 24   | 3    | 3    | 0    | 2    | 1    |
| Larimer    | Under 18    | 182  | 222  | 208  | 208  | 177  | 214  |
|            | 18 to 20    | 281  | 190  | 169  | 141  | 201  | 143  |
|            | 21 or older | 433  | 52   | 82   | 70   | 136  | 113  |
|            | Total       | 896  | 464  | 459  | 419  | 514  | 470  |
| Las Animas | Under 18    | 5    | 1    | 0    | 1    | 0    | 4    |
|            | 18 to 20    | 2    | 0    | 1    | 0    | 0    | 0    |
|            | 21 or older | 0    | 4    | 0    | 0    | 0    | 0    |
|            | Total       | 7    | 5    | 1    | 1    | 0    | 4    |
| Lincoln    | Under 18    | 0    | 0    | 0    | 0    | 0    | 0    |
|            | 18 to 20    | 0    | 0    | 0    | 0    | 0    | 1    |
|            | 21 or older | 1    | 0    | 0    | 1    | 1    | 6    |
|            | Total       | 1    | 0    | 0    | 1    | 1    | 7    |
| Logan      | Under 18    | 4    | 2    | 15   | 11   | 4    | 0    |
|            | 18 to 20    | 13   | 0    | 12   | 20   | 12   | 4    |
|            | 21 or older | 24   | 1    | 1    | 3    | 1    | 7    |
|            | Total       | 41   | 3    | 28   | 34   | 17   | 11   |
| Mesa       | Under 18    | 152  | 204  | 206  | 162  | 108  | 136  |
|            | 18 to 20    | 174  | 160  | 164  | 160  | 159  | 136  |
|            | 21 or older | 296  | 44   | 49   | 58   | 59   | 152  |
|            | Total       | 622  | 408  | 419  | 380  | 326  | 424  |

**Appendix C, Table 4. Marijuana arrests, by county and age group, 2012-2017**

| County    | Age group   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|-----------|-------------|------|------|------|------|------|------|
| Moffat    | Under 18    | 21   | 13   | 4    | 20   | 16   | 15   |
|           | 18 to 20    | 22   | 6    | 9    | 6    | 21   | 9    |
|           | 21 or older | 56   | 3    | 7    | 3    | 10   | 6    |
|           | Total       | 99   | 22   | 20   | 29   | 47   | 30   |
| Montezuma | Under 18    | 18   | 1    | 8    | 2    | 1    | 3    |
|           | 18 to 20    | 10   | 4    | 3    | 2    | 4    | 1    |
|           | 21 or older | 46   | 1    | 3    | 2    | 5    | 4    |
|           | Total       | 74   | 6    | 14   | 6    | 10   | 8    |
| Montrose  | Under 18    | 45   | 27   | 23   | 22   | 21   | 15   |
|           | 18 to 20    | 26   | 23   | 21   | 12   | 6    | 9    |
|           | 21 or older | 62   | 0    | 2    | 5    | 6    | 4    |
|           | Total       | 133  | 50   | 46   | 39   | 33   | 28   |
| Morgan    | Under 18    | 23   | 13   | 27   | 7    | 14   | 16   |
|           | 18 to 20    | 13   | 5    | 7    | 2    | 3    | 7    |
|           | 21 or older | 15   | 1    | 0    | 1    | 1    | 0    |
|           | Total       | 51   | 19   | 34   | 10   | 18   | 23   |
| Otero     | Under 18    | 3    | 1    | 0    | 7    | 0    | 0    |
|           | 18 to 20    | 14   | 2    | 6    | 7    | 1    | 4    |
|           | 21 or older | 5    | 0    | 0    | 0    | 4    | 4    |
|           | Total       | 22   | 3    | 6    | 14   | 5    | 8    |
| Ouray     | Under 18    | 0    | 0    | 2    | 0    | 0    | 0    |
|           | 18 to 20    | 0    | 0    | 1    | 0    | 0    | 0    |
|           | 21 or older | 0    | 0    | 1    | 0    | 0    | 0    |
|           | Total       | 0    | 0    | 4    | 0    | 0    | 0    |
| Park      | Under 18    | 0    | 0    | 2    | 0    | 1    | 0    |
|           | 18 to 20    | 7    | 1    | 2    | 0    | 0    | 0    |
|           | 21 or older | 3    | 0    | 0    | 2    | 2    | 0    |
|           | Total       | 10   | 1    | 4    | 2    | 3    | 0    |
| Phillips  | Under 18    | 0    | 0    | 0    | 0    | 0    | 0    |
|           | 18 to 20    | 1    | 1    | 0    | 1    | 2    | 1    |
|           | 21 or older | 1    | 0    | 0    | 0    | 0    | 0    |
|           | Total       | 2    | 1    | 0    | 1    | 2    | 1    |

**Appendix C, Table 4. Marijuana arrests, by county and age group, 2012-2017**

| County     | Age group   | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|-------------|------|------|------|------|------|------|
| Pitkin     | Under 18    | 2    | 0    | 4    | 6    | 3    | 3    |
|            | 18 to 20    | 0    | 0    | 5    | 1    | 1    | 0    |
|            | 21 or older | 5    | 0    | 1    | 0    | 0    | 0    |
|            | Total       | 7    | 0    | 10   | 7    | 4    | 3    |
| Prowers    | Under 18    | 18   | 11   | 18   | 1    | 1    | 2    |
|            | 18 to 20    | 20   | 12   | 16   | 2    | 1    | 0    |
|            | 21 or older | 52   | 9    | 4    | 0    | 5    | 0    |
|            | Total       | 90   | 32   | 38   | 3    | 7    | 2    |
| Pueblo     | Under 18    | 1    | 1    | 4    | 3    | 4    | 11   |
|            | 18 to 20    | 2    | 17   | 14   | 10   | 4    | 18   |
|            | 21 or older | 20   | 2    | 5    | 8    | 35   | 8    |
|            | Total       | 23   | 20   | 23   | 21   | 43   | 37   |
| Rio Blanco | Under 18    | 2    | 0    | 4    | 3    | 0    | 0    |
|            | 18 to 20    | 7    | 4    | 13   | 7    | 3    | 2    |
|            | 21 or older | 17   | 0    | 1    | 1    | 0    | 0    |
|            | Total       | 26   | 4    | 18   | 11   | 3    | 2    |
| Rio Grande | Under 18    | 11   | 0    | 1    | 9    | 4    | 7    |
|            | 18 to 20    | 6    | 0    | 1    | 1    | 1    | 1    |
|            | 21 or older | 11   | 4    | 0    | 1    | 1    | 0    |
|            | Total       | 28   | 4    | 2    | 11   | 6    | 8    |
| Routt      | Under 18    | 18   | 9    | 19   | 11   | 27   | 9    |
|            | 18 to 20    | 34   | 23   | 34   | 25   | 12   | 34   |
|            | 21 or older | 38   | 4    | 7    | 9    | 8    | 2    |
|            | Total       | 90   | 36   | 60   | 45   | 47   | 45   |
| Saguache   | Under 18    | 4    | 0    | 1    | 1    | 0    | 3    |
|            | 18 to 20    | 6    | 0    | 1    | 1    | 0    | 0    |
|            | 21 or older | 1    | 0    | 0    | 0    | 0    | 7    |
|            | Total       | 11   | 0    | 2    | 2    | 0    | 10   |
| San Juan   | Under 18    | 0    | 0    | 0    | 0    | 0    | 0    |
|            | 18 to 20    | 0    | 0    | 0    | 0    | 0    | 0    |
|            | 21 or older | 0    | 1    | 0    | 0    | 0    | 0    |
|            | Total       | 0    | 1    | 0    | 0    | 0    | 0    |



**Appendix C, Table 4. Marijuana arrests, by county and age group, 2012-2017**

| County     | Age group   | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|------------|-------------|--------|-------|-------|-------|-------|-------|
| Sedgwick   | Under 18    | 0      | 3     | 0     | 0     | 0     | 0     |
|            | 18 to 20    | 0      | 0     | 1     | 0     | 0     | 0     |
|            | 21 or older | 1      | 0     | 0     | 0     | 0     | 0     |
|            | Total       | 1      | 3     | 1     | 0     | 0     | 0     |
| Summit     | Under 18    | 9      | 2     | 1     | 5     | 2     | 1     |
|            | 18 to 20    | 13     | 1     | 1     | 9     | 5     | 3     |
|            | 21 or older | 41     | 2     | 3     | 8     | 12    | 2     |
|            | Total       | 63     | 5     | 5     | 22    | 19    | 6     |
| Teller     | Under 18    | 12     | 27    | 12    | 11    | 9     | 11    |
|            | 18 to 20    | 13     | 13    | 10    | 8     | 12    | 9     |
|            | 21 or older | 30     | 5     | 7     | 6     | 6     | 5     |
|            | Total       | 55     | 45    | 29    | 25    | 27    | 25    |
| Washington | Under 18    | 0      | 1     | 1     | 0     | 2     | 0     |
|            | 18 to 20    | 4      | 1     | 0     | 1     | 0     | 0     |
|            | 21 or older | 16     | 0     | 0     | 0     | 0     | 0     |
|            | Total       | 20     | 2     | 1     | 1     | 2     | 0     |
| Weld       | Under 18    | 144    | 186   | 214   | 165   | 154   | 115   |
|            | 18 to 20    | 122    | 130   | 97    | 82    | 93    | 75    |
|            | 21 or older | 236    | 20    | 18    | 23    | 22    | 38    |
|            | Total       | 502    | 336   | 329   | 270   | 269   | 228   |
| Yuma       | Under 18    | 0      | 3     | 0     | 0     | 0     | 0     |
|            | 18 to 20    | 0      | 0     | 0     | 0     | 0     | 0     |
|            | 21 or older | 2      | 0     | 0     | 0     | 0     | 0     |
|            | Total       | 2      | 3     | 0     | 0     | 0     | 0     |
| Total      | Under 18    | 3,168  | 3,030 | 3,325 | 2,956 | 2,615 | 2,655 |
|            | 18 to 20    | 3,307  | 2,241 | 2,221 | 2,064 | 2,026 | 2,099 |
|            | 21 or older | 6,234  | 1,088 | 1,356 | 1,708 | 1,609 | 1,399 |
|            | Total       | 12,709 | 6,359 | 6,902 | 6,728 | 6,250 | 6,153 |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

Note: Since county is determined based on the law enforcement agency's location there are some statewide agencies, such as the Colorado State Patrol, that cannot be assigned to a specific county.

**Appendix C, Table 5. Marijuana arrests, by county and gender, 2012-2017**

| County      | Gender | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------|--------|-------|------|------|------|------|------|
| Unknown     | Male   | 1,065 | 233  | 284  | 273  | 230  | 235  |
|             | Female | 200   | 42   | 49   | 64   | 43   | 43   |
|             | Total  | 1,265 | 275  | 333  | 337  | 273  | 278  |
| Adams       | Male   | 1,810 | 743  | 627  | 572  | 508  | 545  |
|             | Female | 412   | 195  | 186  | 157  | 175  | 191  |
|             | Total  | 2,222 | 938  | 813  | 729  | 683  | 736  |
| Alamosa     | Male   | 0     | 4    | 10   | 20   | 12   | 17   |
|             | Female | 2     | 2    | 2    | 1    | 3    | 6    |
|             | Total  | 2     | 6    | 12   | 21   | 15   | 23   |
| Arapahoe    | Male   | 1,201 | 576  | 667  | 557  | 549  | 451  |
|             | Female | 265   | 124  | 146  | 146  | 138  | 130  |
|             | Total  | 1,466 | 700  | 813  | 703  | 687  | 581  |
| Archuleta   | Male   | 13    | 2    | 4    | 16   | 7    | 3    |
|             | Female | 4     | 1    | 2    | 3    | 4    | 1    |
|             | Total  | 17    | 3    | 6    | 19   | 11   | 4    |
| Baca        | Male   | 11    | 7    | 1    | 1    | 1    | 0    |
|             | Female | 6     | 0    | 0    | 0    | 1    | 0    |
|             | Total  | 17    | 7    | 1    | 1    | 2    | 0    |
| Bent        | Male   | 0     | 1    | 0    | 1    | 0    | 0    |
|             | Female | 0     | 0    | 0    | 0    | 0    | 0    |
|             | Total  | 0     | 1    | 0    | 1    | 0    | 0    |
| Boulder     | Male   | 606   | 375  | 273  | 300  | 353  | 529  |
|             | Female | 106   | 58   | 79   | 91   | 92   | 127  |
|             | Total  | 712   | 433  | 352  | 391  | 445  | 656  |
| Broomfield  | Male   | 240   | 109  | 89   | 64   | 90   | 68   |
|             | Female | 54    | 18   | 43   | 12   | 23   | 40   |
|             | Total  | 294   | 127  | 132  | 76   | 113  | 108  |
| Chaffee     | Male   | 39    | 10   | 15   | 10   | 15   | 9    |
|             | Female | 8     | 4    | 2    | 3    | 4    | 1    |
|             | Total  | 47    | 14   | 17   | 13   | 19   | 10   |
| Cheyenne    | Male   | 2     | 1    | 0    | 0    | 0    | 0    |
|             | Female | 0     | 0    | 0    | 0    | 0    | 0    |
|             | Total  | 2     | 1    | 0    | 0    | 0    | 0    |
| Clear Creek | Male   | 39    | 4    | 5    | 8    | 2    | 1    |
|             | Female | 5     | 3    | 1    | 1    | 0    | 0    |
|             | Total  | 44    | 7    | 6    | 9    | 2    | 1    |
| Conejos     | Male   | 1     | 0    | 0    | 0    | 0    | 0    |
|             | Female | 1     | 0    | 0    | 0    | 0    | 0    |
|             | Total  | 2     | 0    | 0    | 0    | 0    | 0    |

**Appendix C, Table 5. Marijuana arrests, by county and gender, 2012-2017**

| County   | Gender | 2012 | 2013 | 2014 | 2015  | 2016 | 2017 |
|----------|--------|------|------|------|-------|------|------|
| Costilla | Male   | 0    | 0    | 1    | 0     | 0    | 0    |
|          | Female | 0    | 0    | 0    | 0     | 0    | 0    |
|          | Total  | 0    | 0    | 1    | 0     | 0    | 0    |
| Crowley  | Male   | 0    | 0    | 0    | 1     | 0    | 3    |
|          | Female | 0    | 0    | 0    | 0     | 0    | 0    |
|          | Total  | 0    | 0    | 0    | 1     | 0    | 3    |
| Custer   | Male   | 1    | 1    | 3    | 3     | 2    | 2    |
|          | Female | 0    | 0    | 0    | 1     | 0    | 0    |
|          | Total  | 1    | 1    | 3    | 4     | 2    | 2    |
| Delta    | Male   | 13   | 12   | 6    | 1     | 18   | 16   |
|          | Female | 2    | 3    | 2    | 1     | 6    | 5    |
|          | Total  | 15   | 15   | 8    | 2     | 24   | 21   |
| Denver   | Male   | 145  | 373  | 704  | 945   | 510  | 215  |
|          | Female | 23   | 78   | 132  | 182   | 103  | 52   |
|          | Total  | 168  | 451  | 836  | 1,127 | 613  | 267  |
| Dolores  | Male   | 0    | 1    | 1    | 0     | 0    | 3    |
|          | Female | 0    | 0    | 0    | 0     | 0    | 1    |
|          | Total  | 0    | 1    | 1    | 0     | 0    | 4    |
| Douglas  | Male   | 431  | 270  | 177  | 208   | 208  | 292  |
|          | Female | 102  | 61   | 36   | 50    | 57   | 96   |
|          | Total  | 533  | 331  | 213  | 258   | 265  | 388  |
| Eagle    | Male   | 231  | 104  | 72   | 102   | 66   | 70   |
|          | Female | 28   | 20   | 21   | 12    | 24   | 19   |
|          | Total  | 259  | 124  | 93   | 114   | 90   | 89   |
| El Paso  | Male   | 684  | 412  | 482  | 375   | 414  | 357  |
|          | Female | 164  | 105  | 110  | 104   | 124  | 90   |
|          | Total  | 848  | 517  | 592  | 479   | 538  | 447  |
| Elbert   | Male   | 17   | 13   | 12   | 7     | 4    | 8    |
|          | Female | 0    | 6    | 5    | 0     | 0    | 4    |
|          | Total  | 17   | 19   | 17   | 7     | 4    | 12   |
| Fremont  | Male   | 31   | 10   | 4    | 8     | 5    | 16   |
|          | Female | 7    | 1    | 1    | 4     | 1    | 8    |
|          | Total  | 38   | 11   | 5    | 12    | 6    | 24   |
| Garfield | Male   | 133  | 36   | 36   | 75    | 61   | 102  |
|          | Female | 31   | 14   | 8    | 12    | 23   | 21   |
|          | Total  | 164  | 50   | 44   | 87    | 84   | 123  |
| Gilpin   | Male   | 75   | 5    | 2    | 6     | 3    | 5    |
|          | Female | 21   | 2    | 2    | 0     | 0    | 1    |
|          | Total  | 96   | 7    | 4    | 6     | 3    | 6    |

**Appendix C, Table 5. Marijuana arrests, by county and gender, 2012-2017**

| County     | Gender | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|--------|-------|------|------|------|------|------|
| Grand      | Male   | 12    | 2    | 4    | 0    | 1    | 0    |
|            | Female | 2     | 0    | 0    | 0    | 1    | 0    |
|            | Total  | 14    | 2    | 4    | 0    | 2    | 0    |
| Gunnison   | Male   | 32    | 22   | 23   | 41   | 24   | 35   |
|            | Female | 5     | 7    | 8    | 8    | 9    | 9    |
|            | Total  | 37    | 29   | 31   | 49   | 33   | 44   |
| Hinsdale   | Male   | 0     | 0    | 0    | 0    | 1    | 0    |
|            | Female | 0     | 0    | 0    | 0    | 1    | 0    |
|            | Total  | 0     | 0    | 0    | 0    | 2    | 0    |
| Huerfano   | Male   | 11    | 0    | 4    | 6    | 8    | 1    |
|            | Female | 2     | 0    | 0    | 0    | 1    | 0    |
|            | Total  | 13    | 0    | 4    | 6    | 9    | 1    |
| Jefferson  | Male   | 1,106 | 590  | 678  | 657  | 624  | 611  |
|            | Female | 337   | 156  | 242  | 183  | 217  | 238  |
|            | Total  | 1,443 | 746  | 920  | 840  | 841  | 849  |
| Kiowa      | Male   | 1     | 2    | 0    | 0    | 0    | 0    |
|            | Female | 0     | 1    | 0    | 0    | 0    | 0    |
|            | Total  | 1     | 3    | 0    | 0    | 0    | 0    |
| Kit Carson | Male   | 17    | 9    | 4    | 13   | 8    | 13   |
|            | Female | 1     | 2    | 0    | 4    | 2    | 2    |
|            | Total  | 18    | 11   | 4    | 17   | 10   | 15   |
| La Plata   | Male   | 48    | 50   | 64   | 53   | 48   | 61   |
|            | Female | 6     | 3    | 17   | 12   | 21   | 19   |
|            | Total  | 54    | 53   | 81   | 65   | 69   | 80   |
| Lake       | Male   | 23    | 2    | 2    | 0    | 2    | 1    |
|            | Female | 1     | 1    | 1    | 0    | 0    | 0    |
|            | Total  | 24    | 3    | 3    | 0    | 2    | 1    |
| Larimer    | Male   | 719   | 385  | 347  | 312  | 409  | 334  |
|            | Female | 177   | 79   | 112  | 107  | 105  | 136  |
|            | Total  | 896   | 464  | 459  | 419  | 514  | 470  |
| Las Animas | Male   | 7     | 5    | 1    | 1    | 0    | 1    |
|            | Female | 0     | 0    | 0    | 0    | 0    | 3    |
|            | Total  | 7     | 5    | 1    | 1    | 0    | 4    |
| Lincoln    | Male   | 1     | 0    | 0    | 1    | 1    | 5    |
|            | Female | 0     | 0    | 0    | 0    | 0    | 2    |
|            | Total  | 1     | 0    | 0    | 1    | 1    | 7    |
| Logan      | Male   | 34    | 1    | 26   | 26   | 11   | 7    |
|            | Female | 7     | 2    | 2    | 8    | 6    | 4    |
|            | Total  | 41    | 3    | 28   | 34   | 17   | 11   |

**Appendix C, Table 5. Marijuana arrests, by county and gender, 2012-2017**

| County     | Gender | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|--------|------|------|------|------|------|------|
| Mesa       | Male   | 469  | 309  | 318  | 288  | 245  | 312  |
|            | Female | 153  | 99   | 101  | 92   | 81   | 112  |
|            | Total  | 622  | 408  | 419  | 380  | 326  | 424  |
| Moffat     | Male   | 64   | 18   | 16   | 23   | 33   | 25   |
|            | Female | 35   | 4    | 4    | 6    | 14   | 5    |
|            | Total  | 99   | 22   | 20   | 29   | 47   | 30   |
| Montezuma  | Male   | 54   | 6    | 11   | 5    | 7    | 8    |
|            | Female | 20   | 0    | 3    | 1    | 3    | 0    |
|            | Total  | 74   | 6    | 14   | 6    | 10   | 8    |
| Montrose   | Male   | 109  | 38   | 40   | 29   | 26   | 21   |
|            | Female | 24   | 12   | 6    | 10   | 7    | 7    |
|            | Total  | 133  | 50   | 46   | 39   | 33   | 28   |
| Morgan     | Male   | 39   | 11   | 25   | 7    | 14   | 15   |
|            | Female | 12   | 8    | 9    | 3    | 4    | 8    |
|            | Total  | 51   | 19   | 34   | 10   | 18   | 23   |
| Otero      | Male   | 18   | 3    | 4    | 11   | 5    | 7    |
|            | Female | 4    | 0    | 2    | 3    | 0    | 1    |
|            | Total  | 22   | 3    | 6    | 14   | 5    | 8    |
| Ouray      | Male   | 0    | 0    | 2    | 0    | 0    | 0    |
|            | Female | 0    | 0    | 2    | 0    | 0    | 0    |
|            | Total  | 0    | 0    | 4    | 0    | 0    | 0    |
| Park       | Male   | 9    | 1    | 4    | 2    | 2    | 0    |
|            | Female | 1    | 0    | 0    | 0    | 1    | 0    |
|            | Total  | 10   | 1    | 4    | 2    | 3    | 0    |
| Phillips   | Male   | 2    | 1    | 0    | 1    | 2    | 1    |
|            | Female | 0    | 0    | 0    | 0    | 0    | 0    |
|            | Total  | 2    | 1    | 0    | 1    | 2    | 1    |
| Pitkin     | Male   | 7    | 0    | 7    | 5    | 2    | 2    |
|            | Female | 0    | 0    | 3    | 2    | 2    | 1    |
|            | Total  | 7    | 0    | 10   | 7    | 4    | 3    |
| Prowers    | Male   | 76   | 29   | 29   | 2    | 5    | 2    |
|            | Female | 14   | 3    | 9    | 1    | 2    | 0    |
|            | Total  | 90   | 32   | 38   | 3    | 7    | 2    |
| Pueblo     | Male   | 21   | 17   | 19   | 15   | 38   | 30   |
|            | Female | 2    | 3    | 4    | 6    | 5    | 7    |
|            | Total  | 23   | 20   | 23   | 21   | 43   | 37   |
| Rio Blanco | Male   | 23   | 3    | 15   | 10   | 3    | 1    |
|            | Female | 3    | 1    | 3    | 1    | 0    | 1    |
|            | Total  | 26   | 4    | 18   | 11   | 3    | 2    |

**Appendix C, Table 5. Marijuana arrests, by county and gender, 2012-2017**

| County     | Gender | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|------------|--------|--------|-------|-------|-------|-------|-------|
| Rio Grande | Male   | 20     | 4     | 2     | 6     | 3     | 6     |
|            | Female | 8      | 0     | 0     | 5     | 3     | 2     |
|            | Total  | 28     | 4     | 2     | 11    | 6     | 8     |
| Routt      | Male   | 76     | 30    | 51    | 39    | 42    | 40    |
|            | Female | 14     | 6     | 9     | 6     | 5     | 5     |
|            | Total  | 90     | 36    | 60    | 45    | 47    | 45    |
| Saguache   | Male   | 9      | 0     | 2     | 2     | 0     | 9     |
|            | Female | 2      | 0     | 0     | 0     | 0     | 1     |
|            | Total  | 11     | 0     | 2     | 2     | 0     | 10    |
| San Juan   | Male   | 0      | 0     | 0     | 0     | 0     | 0     |
|            | Female | 0      | 1     | 0     | 0     | 0     | 0     |
|            | Total  | 0      | 1     | 0     | 0     | 0     | 0     |
| Sedgwick   | Male   | 1      | 2     | 1     | 0     | 0     | 0     |
|            | Female | 0      | 1     | 0     | 0     | 0     | 0     |
|            | Total  | 1      | 3     | 1     | 0     | 0     | 0     |
| Summit     | Male   | 56     | 4     | 4     | 19    | 15    | 6     |
|            | Female | 7      | 1     | 1     | 3     | 4     | 0     |
|            | Total  | 63     | 5     | 5     | 22    | 19    | 6     |
| Teller     | Male   | 45     | 38    | 25    | 21    | 20    | 19    |
|            | Female | 10     | 7     | 4     | 4     | 7     | 6     |
|            | Total  | 55     | 45    | 29    | 25    | 27    | 25    |
| Washington | Male   | 16     | 2     | 1     | 0     | 2     | 0     |
|            | Female | 4      | 0     | 0     | 1     | 0     | 0     |
|            | Total  | 20     | 2     | 1     | 1     | 2     | 0     |
| Weld       | Male   | 416    | 266   | 241   | 176   | 200   | 161   |
|            | Female | 86     | 70    | 88    | 94    | 69    | 67    |
|            | Total  | 502    | 336   | 329   | 270   | 269   | 228   |
| Yuma       | Male   | 2      | 3     | 0     | 0     | 0     | 0     |
|            | Female | 0      | 0     | 0     | 0     | 0     | 0     |
|            | Total  | 2      | 3     | 0     | 0     | 0     | 0     |
| Total      | Male   | 10,331 | 5,155 | 5,445 | 5,324 | 4,859 | 4,681 |
|            | Female | 2,378  | 1,204 | 1,457 | 1,404 | 1,391 | 1,472 |
|            | Total  | 12,709 | 6,359 | 6,902 | 6,728 | 6,250 | 6,153 |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

Note: Since county is determined based on the law enforcement agency's location there are some statewide agencies, such as the Colorado State Patrol, that cannot be assigned to a specific county.

**Appendix C, Table 6. Marijuana arrests, by county and arrest type, 2012-2017**

| County     | Arrest type        | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|--------------------|-------|------|------|------|------|------|
| Unknown    | On-View Arrest     | 724   | 194  | 165  | 197  | 129  | 181  |
|            | Taken Into Custody | 31    | 14   | 27   | 21   | 36   | 20   |
|            | Summoned/Cited     | 510   | 67   | 141  | 119  | 108  | 77   |
|            | Total              | 1,265 | 275  | 333  | 337  | 273  | 278  |
| Adams      | On-View Arrest     | 688   | 202  | 152  | 155  | 135  | 117  |
|            | Taken Into Custody | 146   | 60   | 70   | 52   | 59   | 82   |
|            | Summoned/Cited     | 1,388 | 676  | 591  | 522  | 489  | 537  |
|            | Total              | 2,222 | 938  | 813  | 729  | 683  | 736  |
| Alamosa    | On-View Arrest     | 0     | 0    | 0    | 0    | 0    | 4    |
|            | Taken Into Custody | 0     | 0    | 0    | 0    | 1    | 0    |
|            | Summoned/Cited     | 2     | 6    | 12   | 21   | 14   | 19   |
|            | Total              | 2     | 6    | 12   | 21   | 15   | 23   |
| Arapahoe   | On-View Arrest     | 321   | 128  | 114  | 116  | 403  | 366  |
|            | Taken Into Custody | 77    | 37   | 43   | 39   | 53   | 22   |
|            | Summoned/Cited     | 1,068 | 535  | 656  | 548  | 231  | 193  |
|            | Total              | 1,466 | 700  | 813  | 703  | 687  | 581  |
| Archuleta  | On-View Arrest     | 1     | 0    | 0    | 0    | 0    | 0    |
|            | Taken Into Custody | 0     | 0    | 0    | 0    | 4    | 2    |
|            | Summoned/Cited     | 16    | 3    | 6    | 19   | 7    | 2    |
|            | Total              | 17    | 3    | 6    | 19   | 11   | 4    |
| Baca       | On-View Arrest     | 3     | 0    | 0    | 1    | 0    | 0    |
|            | Taken Into Custody | 1     | 7    | 1    | 0    | 2    | 0    |
|            | Summoned/Cited     | 13    | 0    | 0    | 0    | 0    | 0    |
|            | Total              | 17    | 7    | 1    | 1    | 2    | 0    |
| Bent       | Summoned/Cited     | 0     | 1    | 0    | 1    | 0    | 0    |
|            | Total              | 0     | 1    | 0    | 1    | 0    | 0    |
| Boulder    | On-View Arrest     | 101   | 41   | 40   | 28   | 46   | 31   |
|            | Taken Into Custody | 22    | 7    | 20   | 11   | 12   | 21   |
|            | Summoned/Cited     | 589   | 385  | 292  | 352  | 387  | 604  |
|            | Total              | 712   | 433  | 352  | 391  | 445  | 656  |
| Broomfield | On-View Arrest     | 65    | 15   | 6    | 8    | 14   | 3    |
|            | Taken Into Custody | 3     | 2    | 2    | 1    | 1    | 0    |
|            | Summoned/Cited     | 226   | 110  | 124  | 67   | 98   | 105  |
|            | Total              | 294   | 127  | 132  | 76   | 113  | 108  |
| Chaffee    | On-View Arrest     | 10    | 2    | 2    | 0    | 2    | 0    |
|            | Taken Into Custody | 11    | 2    | 0    | 1    | 4    | 0    |
|            | Summoned/Cited     | 26    | 10   | 15   | 12   | 13   | 10   |
|            | Total              | 47    | 14   | 17   | 13   | 19   | 10   |

**Appendix C, Table 6. Marijuana arrests, by county and arrest type, 2012-2017**

| County      | Arrest type        | 2012 | 2013 | 2014 | 2015  | 2016 | 2017 |
|-------------|--------------------|------|------|------|-------|------|------|
| Cheyenne    | On-View Arrest     | 1    | 0    | 0    | 0     | 0    | 0    |
|             | Taken Into Custody | 1    | 1    | 0    | 0     | 0    | 0    |
|             | Total              | 2    | 1    | 0    | 0     | 0    | 0    |
| Clear Creek | On-View Arrest     | 8    | 2    | 3    | 0     | 0    | 0    |
|             | Taken Into Custody | 4    | 0    | 0    | 0     | 0    | 0    |
|             | Summoned/Cited     | 32   | 5    | 3    | 9     | 2    | 1    |
|             | Total              | 44   | 7    | 6    | 9     | 2    | 1    |
| Conejos     | On-View Arrest     | 1    | 0    | 0    | 0     | 0    | 0    |
|             | Taken Into Custody | 1    | 0    | 0    | 0     | 0    | 0    |
|             | Total              | 2    | 0    | 0    | 0     | 0    | 0    |
| Costilla    | Taken Into Custody | 0    | 0    | 1    | 0     | 0    | 0    |
|             | Total              | 0    | 0    | 1    | 0     | 0    | 0    |
| Crowley     | Taken Into Custody | 0    | 0    | 0    | 1     | 0    | 3    |
|             | Total              | 0    | 0    | 0    | 1     | 0    | 3    |
| Custer      | On-View Arrest     | 0    | 0    | 2    | 1     | 1    | 1    |
|             | Taken Into Custody | 1    | 0    | 0    | 1     | 0    | 0    |
|             | Summoned/Cited     | 0    | 1    | 1    | 2     | 1    | 1    |
|             | Total              | 1    | 1    | 3    | 4     | 2    | 2    |
| Delta       | On-View Arrest     | 2    | 2    | 0    | 0     | 1    | 0    |
|             | Taken Into Custody | 1    | 1    | 0    | 0     | 2    | 0    |
|             | Summoned/Cited     | 12   | 12   | 8    | 2     | 21   | 21   |
|             | Total              | 15   | 15   | 8    | 2     | 24   | 21   |
| Denver      | On-View Arrest     | 145  | 121  | 153  | 116   | 154  | 146  |
|             | Taken Into Custody | 6    | 9    | 14   | 7     | 10   | 12   |
|             | Summoned/Cited     | 17   | 321  | 669  | 1,004 | 449  | 109  |
|             | Total              | 168  | 451  | 836  | 1,127 | 613  | 267  |
| Dolores     | Taken Into Custody | 0    | 0    | 0    | 0     | 0    | 1    |
|             | Summoned/Cited     | 0    | 1    | 1    | 0     | 0    | 3    |
|             | Total              | 0    | 1    | 1    | 0     | 0    | 4    |
| Douglas     | On-View Arrest     | 59   | 73   | 81   | 78    | 60   | 107  |
|             | Taken Into Custody | 11   | 10   | 5    | 6     | 14   | 17   |
|             | Summoned/Cited     | 463  | 248  | 127  | 174   | 191  | 264  |
|             | Total              | 533  | 331  | 213  | 258   | 265  | 388  |
| Eagle       | On-View Arrest     | 72   | 31   | 13   | 13    | 10   | 6    |
|             | Taken Into Custody | 25   | 2    | 5    | 2     | 1    | 0    |
|             | Summoned/Cited     | 162  | 91   | 75   | 99    | 79   | 83   |
|             | Total              | 259  | 124  | 93   | 114   | 90   | 89   |



**Appendix C, Table 6. Marijuana arrests, by county and arrest type, 2012-2017**

| County    | Arrest type        | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|-----------|--------------------|-------|------|------|------|------|------|
| El Paso   | On-View Arrest     | 59    | 43   | 47   | 58   | 66   | 51   |
|           | Taken Into Custody | 63    | 16   | 10   | 4    | 15   | 32   |
|           | Summoned/Cited     | 726   | 458  | 535  | 417  | 457  | 364  |
|           | Total              | 848   | 517  | 592  | 479  | 538  | 447  |
| Elbert    | On-View Arrest     | 6     | 0    | 1    | 3    | 4    | 9    |
|           | Taken Into Custody | 1     | 1    | 0    | 1    | 0    | 1    |
|           | Summoned/Cited     | 10    | 18   | 16   | 3    | 0    | 2    |
|           | Total              | 17    | 19   | 17   | 7    | 4    | 12   |
| Fremont   | On-View Arrest     | 0     | 0    | 0    | 0    | 0    | 1    |
|           | Taken Into Custody | 18    | 3    | 2    | 7    | 5    | 4    |
|           | Summoned/Cited     | 20    | 8    | 3    | 5    | 1    | 19   |
|           | Total              | 38    | 11   | 5    | 12   | 6    | 24   |
| Garfield  | On-View Arrest     | 85    | 22   | 20   | 27   | 26   | 46   |
|           | Taken Into Custody | 9     | 0    | 0    | 1    | 5    | 7    |
|           | Summoned/Cited     | 70    | 28   | 24   | 59   | 53   | 70   |
|           | Total              | 164   | 50   | 44   | 87   | 84   | 123  |
| Gilpin    | On-View Arrest     | 24    | 1    | 0    | 1    | 1    | 3    |
|           | Taken Into Custody | 2     | 1    | 0    | 1    | 0    | 0    |
|           | Summoned/Cited     | 70    | 5    | 4    | 4    | 2    | 3    |
|           | Total              | 96    | 7    | 4    | 6    | 3    | 6    |
| Grand     | On-View Arrest     | 1     | 0    | 0    | 0    | 0    | 0    |
|           | Summoned/Cited     | 13    | 2    | 4    | 0    | 2    | 0    |
|           | Total              | 14    | 2    | 4    | 0    | 2    | 0    |
| Gunnison  | On-View Arrest     | 4     | 2    | 5    | 2    | 3    | 3    |
|           | Taken Into Custody | 0     | 3    | 1    | 0    | 0    | 1    |
|           | Summoned/Cited     | 33    | 24   | 25   | 47   | 30   | 40   |
|           | Total              | 37    | 29   | 31   | 49   | 33   | 44   |
| Hinsdale  | Summoned/Cited     | 0     | 0    | 0    | 0    | 2    | 0    |
|           | Total              | 0     | 0    | 0    | 0    | 2    | 0    |
| Huerfano  | On-View Arrest     | 5     | 0    | 2    | 0    | 6    | 1    |
|           | Taken Into Custody | 1     | 0    | 0    | 1    | 0    | 0    |
|           | Summoned/Cited     | 7     | 0    | 2    | 5    | 3    | 0    |
|           | Total              | 13    | 0    | 4    | 6    | 9    | 1    |
| Jefferson | On-View Arrest     | 106   | 56   | 80   | 72   | 67   | 54   |
|           | Taken Into Custody | 190   | 78   | 64   | 69   | 68   | 66   |
|           | Summoned/Cited     | 1,147 | 612  | 776  | 699  | 706  | 729  |
|           | Total              | 1,443 | 746  | 920  | 840  | 841  | 849  |
| Kiowa     | Taken Into Custody | 0     | 3    | 0    | 0    | 0    | 0    |
|           | Summoned/Cited     | 1     | 0    | 0    | 0    | 0    | 0    |
|           | Total              | 1     | 3    | 0    | 0    | 0    | 0    |

**Appendix C, Table 6. Marijuana arrests, by county and arrest type, 2012-2017**

| County     | Arrest type        | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|--------------------|------|------|------|------|------|------|
| Kit Carson | On-View Arrest     | 1    | 6    | 1    | 2    | 4    | 9    |
|            | Taken Into Custody | 3    | 3    | 0    | 3    | 4    | 4    |
|            | Summoned/Cited     | 14   | 2    | 3    | 12   | 2    | 2    |
|            | Total              | 18   | 11   | 4    | 17   | 10   | 15   |
| La Plata   | On-View Arrest     | 2    | 0    | 0    | 1    | 5    | 2    |
|            | Taken Into Custody | 2    | 4    | 4    | 2    | 1    | 1    |
|            | Summoned/Cited     | 50   | 49   | 77   | 62   | 63   | 77   |
|            | Total              | 54   | 53   | 81   | 65   | 69   | 80   |
| Lake       | On-View Arrest     | 1    | 0    | 0    | 0    | 0    | 1    |
|            | Taken Into Custody | 9    | 1    | 0    | 0    | 0    | 0    |
|            | Summoned/Cited     | 14   | 2    | 3    | 0    | 2    | 0    |
|            | Total              | 24   | 3    | 3    | 0    | 2    | 1    |
| Larimer    | On-View Arrest     | 145  | 48   | 62   | 40   | 43   | 40   |
|            | Taken Into Custody | 16   | 3    | 4    | 11   | 13   | 2    |
|            | Summoned/Cited     | 735  | 413  | 393  | 368  | 458  | 428  |
|            | Total              | 896  | 464  | 459  | 419  | 514  | 470  |
| Las Animas | On-View Arrest     | 0    | 1    | 0    | 0    | 0    | 0    |
|            | Taken Into Custody | 2    | 4    | 1    | 0    | 0    | 3    |
|            | Summoned/Cited     | 5    | 0    | 0    | 1    | 0    | 1    |
|            | Total              | 7    | 5    | 1    | 1    | 0    | 4    |
| Lincoln    | On-View Arrest     | 1    | 0    | 0    | 1    | 0    | 6    |
|            | Taken Into Custody | 0    | 0    | 0    | 0    | 1    | 0    |
|            | Summoned/Cited     | 0    | 0    | 0    | 0    | 0    | 1    |
|            | Total              | 1    | 0    | 0    | 1    | 1    | 7    |
| Logan      | On-View Arrest     | 25   | 1    | 5    | 3    | 3    | 4    |
|            | Taken Into Custody | 5    | 1    | 0    | 4    | 1    | 3    |
|            | Summoned/Cited     | 11   | 1    | 23   | 27   | 13   | 4    |
|            | Total              | 41   | 3    | 28   | 34   | 17   | 11   |
| Mesa       | On-View Arrest     | 100  | 70   | 71   | 74   | 40   | 79   |
|            | Taken Into Custody | 60   | 11   | 14   | 17   | 26   | 19   |
|            | Summoned/Cited     | 462  | 327  | 334  | 289  | 260  | 326  |
|            | Total              | 622  | 408  | 419  | 380  | 326  | 424  |
| Moffat     | On-View Arrest     | 47   | 7    | 8    | 7    | 14   | 12   |
|            | Taken Into Custody | 1    | 0    | 0    | 0    | 0    | 0    |
|            | Summoned/Cited     | 51   | 15   | 12   | 22   | 33   | 18   |
|            | Total              | 99   | 22   | 20   | 29   | 47   | 30   |
| Montezuma  | On-View Arrest     | 18   | 3    | 7    | 3    | 5    | 4    |
|            | Taken Into Custody | 1    | 0    | 0    | 0    | 0    | 0    |
|            | Summoned/Cited     | 55   | 3    | 7    | 3    | 5    | 4    |
|            | Total              | 74   | 6    | 14   | 6    | 10   | 8    |

**Appendix C, Table 6. Marijuana arrests, by county and arrest type, 2012-2017**

| County     | Arrest type        | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------|--------------------|------|------|------|------|------|------|
| Montrose   | On-View Arrest     | 13   | 6    | 2    | 2    | 2    | 2    |
|            | Taken Into Custody | 6    | 1    | 4    | 0    | 2    | 2    |
|            | Summoned/Cited     | 114  | 43   | 40   | 37   | 29   | 24   |
|            | Total              | 133  | 50   | 46   | 39   | 33   | 28   |
| Morgan     | On-View Arrest     | 7    | 1    | 1    | 0    | 0    | 0    |
|            | Taken Into Custody | 2    | 0    | 0    | 2    | 1    | 0    |
|            | Summoned/Cited     | 42   | 18   | 33   | 8    | 17   | 23   |
|            | Total              | 51   | 19   | 34   | 10   | 18   | 23   |
| Otero      | On-View Arrest     | 0    | 0    | 0    | 1    | 0    | 1    |
|            | Taken Into Custody | 3    | 0    | 1    | 0    | 2    | 1    |
|            | Summoned/Cited     | 19   | 3    | 5    | 13   | 3    | 6    |
|            | Total              | 22   | 3    | 6    | 14   | 5    | 8    |
| Ouray      | Summoned/Cited     | 0    | 0    | 4    | 0    | 0    | 0    |
|            | Total              | 0    | 0    | 4    | 0    | 0    | 0    |
| Park       | On-View Arrest     | 6    | 0    | 0    | 2    | 3    | 0    |
|            | Summoned/Cited     | 4    | 1    | 4    | 0    | 0    | 0    |
|            | Total              | 10   | 1    | 4    | 2    | 3    | 0    |
| Phillips   | On-View Arrest     | 0    | 1    | 0    | 0    | 2    | 1    |
|            | Taken Into Custody | 1    | 0    | 0    | 0    | 0    | 0    |
|            | Summoned/Cited     | 1    | 0    | 0    | 1    | 0    | 0    |
|            | Total              | 2    | 1    | 0    | 1    | 2    | 1    |
| Pitkin     | On-View Arrest     | 5    | 0    | 2    | 1    | 0    | 0    |
|            | Summoned/Cited     | 2    | 0    | 8    | 6    | 4    | 3    |
|            | Total              | 7    | 0    | 10   | 7    | 4    | 3    |
| Prowers    | On-View Arrest     | 13   | 7    | 0    | 1    | 0    | 0    |
|            | Taken Into Custody | 8    | 4    | 6    | 0    | 6    | 0    |
|            | Summoned/Cited     | 69   | 21   | 32   | 2    | 1    | 2    |
|            | Total              | 90   | 32   | 38   | 3    | 7    | 2    |
| Pueblo     | On-View Arrest     | 21   | 3    | 2    | 1    | 2    | 1    |
|            | Taken Into Custody | 2    | 4    | 9    | 7    | 37   | 20   |
|            | Summoned/Cited     | 0    | 13   | 12   | 13   | 4    | 16   |
|            | Total              | 23   | 20   | 23   | 21   | 43   | 37   |
| Rio Blanco | On-View Arrest     | 8    | 1    | 0    | 1    | 0    | 1    |
|            | Taken Into Custody | 2    | 1    | 1    | 1    | 3    | 1    |
|            | Summoned/Cited     | 16   | 2    | 17   | 9    | 0    | 0    |
|            | Total              | 26   | 4    | 18   | 11   | 3    | 2    |
| Rio Grande | On-View Arrest     | 0    | 0    | 0    | 0    | 0    | 2    |
|            | Taken Into Custody | 0    | 3    | 0    | 1    | 0    | 0    |
|            | Summoned/Cited     | 28   | 1    | 2    | 10   | 6    | 6    |
|            | Total              | 28   | 4    | 2    | 11   | 6    | 8    |



**Appendix C, Table 6. Marijuana arrests, by county and arrest type, 2012-2017**

| County     | Arrest type        | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|------------|--------------------|--------|-------|-------|-------|-------|-------|
| Routt      | On-View Arrest     | 18     | 7     | 5     | 6     | 1     | 4     |
|            | Taken Into Custody | 8      | 2     | 0     | 0     | 2     | 2     |
|            | Summoned/Cited     | 64     | 27    | 55    | 39    | 44    | 39    |
|            | Total              | 90     | 36    | 60    | 45    | 47    | 45    |
| Saguache   | On-View Arrest     | 2      | 0     | 0     | 1     | 0     | 0     |
|            | Taken Into Custody | 0      | 0     | 0     | 0     | 0     | 1     |
|            | Summoned/Cited     | 9      | 0     | 2     | 1     | 0     | 9     |
|            | Total              | 11     | 0     | 2     | 2     | 0     | 10    |
| San Juan   | Taken Into Custody | 0      | 1     | 0     | 0     | 0     | 0     |
|            | Total              | 0      | 1     | 0     | 0     | 0     | 0     |
| Sedgwick   | Taken Into Custody | 1      | 0     | 1     | 0     | 0     | 0     |
|            | Summoned/Cited     | 0      | 3     | 0     | 0     | 0     | 0     |
|            | Total              | 1      | 3     | 1     | 0     | 0     | 0     |
| Summit     | On-View Arrest     | 17     | 3     | 0     | 5     | 3     | 1     |
|            | Summoned/Cited     | 46     | 2     | 5     | 17    | 16    | 5     |
|            | Total              | 63     | 5     | 5     | 22    | 19    | 6     |
| Teller     | On-View Arrest     | 35     | 26    | 19    | 3     | 8     | 12    |
|            | Taken Into Custody | 5      | 4     | 3     | 2     | 2     | 1     |
|            | Summoned/Cited     | 15     | 15    | 7     | 20    | 17    | 12    |
|            | Total              | 55     | 45    | 29    | 25    | 27    | 25    |
| Washington | On-View Arrest     | 5      | 0     | 0     | 0     | 0     | 0     |
|            | Summoned/Cited     | 15     | 2     | 1     | 1     | 2     | 0     |
|            | Total              | 20     | 2     | 1     | 1     | 2     | 0     |
| Weld       | On-View Arrest     | 78     | 83    | 49    | 43    | 50    | 41    |
|            | Taken Into Custody | 42     | 22    | 17    | 6     | 18    | 16    |
|            | Summoned/Cited     | 382    | 231   | 263   | 221   | 201   | 171   |
|            | Total              | 502    | 336   | 329   | 270   | 269   | 228   |
| Yuma       | Taken Into Custody | 0      | 3     | 0     | 0     | 0     | 0     |
|            | Summoned/Cited     | 2      | 0     | 0     | 0     | 0     | 0     |
|            | Total              | 2      | 3     | 0     | 0     | 0     | 0     |
| Total      | On-View Arrest     | 3,059  | 1,209 | 1,120 | 1,074 | 1,313 | 1,353 |
|            | Taken Into Custody | 804    | 329   | 330   | 282   | 411   | 367   |
|            | Summoned/Cited     | 8,846  | 4,821 | 5,452 | 5,372 | 4,526 | 4,433 |
|            | Total              | 12,709 | 6,359 | 6,902 | 6,728 | 6,250 | 6,153 |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

Note: Since county is determined based on the law enforcement agency's location there are some statewide agencies, such as the Colorado State Patrol, that cannot be assigned to a specific county.



**Appendix C, Table 7. Marijuana possession arrests, by county and drug crime type, 2012-2017**

| Marijuana-Possession |       |      |      |       |      |      |
|----------------------|-------|------|------|-------|------|------|
| County               | 2012  | 2013 | 2014 | 2015  | 2016 | 2017 |
| Unknown              | 1,140 | 237  | 288  | 298   | 245  | 238  |
| Adams                | 2,071 | 862  | 717  | 643   | 604  | 614  |
| Alamosa              | 2     | 6    | 9    | 21    | 4    | 12   |
| Arapahoe             | 1,373 | 608  | 669  | 570   | 535  | 442  |
| Archuleta            | 17    | 3    | 6    | 18    | 8    | 2    |
| Baca                 | 15    | 7    |      | 1     |      |      |
| Bent                 |       | 1    |      | 1     |      |      |
| Boulder              | 664   | 378  | 301  | 341   | 403  | 608  |
| Broomfield           | 290   | 121  | 130  | 73    | 107  | 108  |
| Chaffee              | 45    | 14   | 17   | 9     | 18   | 8    |
| Cheyenne             | 2     | 1    |      |       |      |      |
| Clear Creek          | 40    | 7    | 6    | 9     | 2    | 1    |
| Conejos              | 2     |      |      |       |      |      |
| Crowley              |       |      |      | 1     |      | 2    |
| Custer               | 1     | 1    |      |       |      | 1    |
| Delta                | 15    | 12   | 8    | 2     | 22   | 15   |
| Denver               | 58    | 371  | 750  | 1,051 | 496  | 115  |
| Dolores              |       | 1    | 1    |       |      |      |
| Douglas              | 524   | 274  | 210  | 256   | 255  | 371  |
| Eagle                | 237   | 72   | 61   | 102   | 77   | 83   |
| El Paso              | 673   | 426  | 486  | 445   | 493  | 403  |
| Elbert               | 17    | 19   | 16   | 6     | 4    | 10   |
| Fremont              | 31    | 11   | 4    | 3     | 1    |      |
| Garfield             | 153   | 42   | 31   | 81    | 73   | 94   |
| Gilpin               | 94    | 5    | 4    | 5     | 2    | 5    |
| Grand                | 13    | 2    | 4    |       | 2    |      |
| Gunnison             | 37    | 24   | 26   | 47    | 29   | 31   |
| Hinsdale             |       |      |      |       | 2    |      |
| Huerfano             | 13    |      | 2    | 5     | 3    |      |
| Jefferson            | 1,310 | 650  | 832  | 772   | 799  | 803  |
| Kiowa                | 1     | 3    |      |       |      |      |
| Kit Carson           | 18    | 11   | 4    | 16    | 10   | 11   |
| La Plata             | 54    | 53   | 81   | 40    | 54   | 41   |
| Lake                 | 23    | 2    | 1    |       | 1    | 1    |
| Larimer              | 521   | 283  | 283  | 308   | 393  | 378  |
| Las Animas           | 7     | 2    | 1    |       |      | 4    |
| Lincoln              | 1     |      |      |       |      |      |
| Logan                | 39    | 2    | 28   | 34    | 17   | 9    |
| Mesa                 | 573   | 324  | 347  | 286   | 246  | 256  |
| Moffat               | 95    | 22   | 19   | 29    | 45   | 29   |
| Montezuma            | 60    | 6    | 11   | 6     | 10   | 7    |
| Montrose             | 131   | 49   | 45   | 37    | 31   | 28   |
| Morgan               | 50    | 18   | 32   | 9     | 17   | 22   |
| Otero                | 15    | 3    | 5    | 14    | 4    | 6    |
| Ouray                |       |      | 4    |       |      |      |
| Park                 | 7     | 1    | 4    |       |      |      |
| Phillips             | 2     | 1    |      | 1     | 2    | 1    |
| Pitkin               | 7     |      | 9    | 5     | 4    | 3    |
| Prowers              | 90    | 30   | 35   | 2     | 3    | 2    |
| Pueblo               | 11    | 9    | 13   | 18    | 40   | 34   |
| Rio Blanco           | 26    | 4    | 18   | 11    | 3    | 2    |



**Appendix C, Table 7. Marijuana possession arrests, by county and drug crime type, 2012-2017**

| Marijuana-Possession |        |       |       |       |       |       |
|----------------------|--------|-------|-------|-------|-------|-------|
| County               | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
| Rio Grande           | 27     | 3     | 2     | 10    | 6     | 8     |
| Routt                | 87     | 26    | 46    | 35    | 46    | 43    |
| Saguache             | 11     |       | 2     | 2     |       | 4     |
| Sedgwick             | 1      | 3     |       |       |       |       |
| Summit               | 63     | 5     | 2     | 14    | 12    | 5     |
| Teller               | 52     | 45    | 24    | 19    | 26    | 20    |
| Washington           | 20     | 2     |       | 1     | 2     |       |
| Weld                 | 485    | 313   | 316   | 257   | 244   | 201   |
| Yuma                 | 2      | 3     |       |       |       |       |
| Total                | 11,316 | 5,378 | 5,910 | 5,914 | 5,400 | 5,081 |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

Note: Since county is determined based on the law enforcement agency's location there are some statewide agencies, such as the Colorado State Patrol, that cannot be assigned to a specific county.

**Appendix C, Table 8. Marijuana sales arrests, by county, 2012-2017**

| Marijuana-Sales |      |      |      |      |      |      |
|-----------------|------|------|------|------|------|------|
| County          | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Unknown         | 22   | 10   | 6    | 11   | 5    | 9    |
| Adams           | 39   | 18   | 16   | 8    | 8    | 9    |
| Arapahoe        | 24   | 17   | 19   | 22   | 13   | 8    |
| Archuleta       |      |      |      |      | 2    |      |
| Baca            | 2    |      | 1    |      | 2    |      |
| Boulder         | 8    | 1    | 17   | 5    | 11   | 4    |
| Broomfield      | 7    | 7    |      | 2    | 1    |      |
| Chaffee         | 2    |      |      | 1    |      | 2    |
| Clear Creek     | 1    |      |      |      |      |      |
| Costilla        |      |      | 1    |      |      |      |
| Crowley         |      |      |      |      |      | 1    |
| Denver          | 93   | 71   | 71   | 58   | 74   | 98   |
| Dolores         |      |      |      |      |      | 1    |
| Douglas         | 4    | 1    | 2    | 1    | 6    | 1    |
| Eagle           | 6    | 3    |      | 1    | 1    | 1    |
| El Paso         | 32   | 21   | 28   | 23   | 32   | 28   |
| Elbert          |      |      | 1    |      |      | 2    |
| Fremont         | 1    |      |      | 2    |      |      |
| Garfield        | 1    | 2    | 3    |      | 1    |      |
| Grand           | 1    |      |      |      |      |      |
| Gunnison        |      |      | 2    |      |      | 4    |
| Jefferson       | 9    | 7    | 10   | 7    | 8    | 8    |
| Kit Carson      | 1    | 3    |      |      | 2    | 1    |
| Lake            | 1    | 1    |      |      |      |      |
| Larimer         | 10   | 11   | 15   | 10   | 17   | 8    |
| Las Animas      |      | 3    |      |      |      |      |
| Logan           | 1    | 1    |      |      |      |      |
| Mesa            | 14   | 20   | 15   | 11   | 19   | 40   |
| Moffat          | 3    |      | 1    |      | 2    | 1    |
| Montezuma       |      |      | 1    |      |      | 1    |
| Montrose        | 1    | 1    |      |      | 1    |      |
| Morgan          | 1    | 1    |      |      |      | 1    |



**Appendix C, Table 8. Marijuana sales arrests, by county, 2012-2017**

| Marijuana-Sales |      |      |      |      |      |      |
|-----------------|------|------|------|------|------|------|
| County          | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Otero           |      |      | 1    |      |      |      |
| Park            | 1    |      |      |      | 1    |      |
| Pitkin          |      |      |      | 2    |      |      |
| Prowers         |      | 2    | 2    | 1    | 1    |      |
| Pueblo          |      | 1    |      |      | 1    |      |
| Rio Grande      |      | 1    |      | 1    |      |      |
| Routt           | 1    |      |      | 1    |      |      |
| San Juan        |      | 1    |      |      |      |      |
| Teller          |      |      | 2    | 3    | 5    | 4    |
| Weld            | 11   | 16   | 11   | 4    | 7    | 16   |
| Total           | 297  | 220  | 225  | 174  | 220  | 248  |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

Note: Since county is determined based on the law enforcement agency's location there are some statewide agencies, such as the Colorado State Patrol, that cannot be assigned to a specific county.

**Appendix C, Table 9. Marijuana production arrests, by county, 2012-2017**

| Marijuana-Production |      |      |      |      |      |      |
|----------------------|------|------|------|------|------|------|
| County               | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Unknown              | 2    |      | 2    | 2    | 4    | 1    |
| Adams                | 39   | 15   | 6    | 8    | 14   | 19   |
| Arapahoe             | 65   | 67   | 122  | 103  | 127  | 120  |
| Boulder              | 1    | 1    |      | 7    | 2    | 2    |
| Broomfield           |      |      | 2    |      | 1    |      |
| Clear Creek          | 1    |      |      |      |      |      |
| Custer               |      |      | 2    | 1    | 1    |      |
| Denver               | 15   | 6    | 14   | 16   | 42   | 54   |
| Douglas              |      |      |      |      | 2    | 9    |
| Eagle                | 2    | 1    |      | 1    |      |      |
| El Paso              | 20   | 4    | 2    | 3    | 3    | 7    |
| Elbert               |      |      |      | 1    |      | 1    |
| Fremont              |      |      | 1    | 1    | 2    | 1    |
| Gilpin               | 2    | 2    |      | 1    |      |      |
| Gunnison             |      | 2    | 1    | 2    |      | 1    |
| Huerfano             |      |      | 2    | 1    | 6    | 1    |
| Jefferson            | 6    | 4    | 9    | 13   | 10   | 8    |
| Kit Carson           |      |      |      |      |      | 3    |
| Lake                 | 3    |      | 1    |      |      |      |
| Larimer              | 5    | 1    | 5    | 7    | 13   | 13   |
| Lincoln              |      |      |      |      |      | 7    |
| Logan                |      |      |      |      |      | 1    |
| Mesa                 | 3    | 4    | 3    | 9    | 11   | 9    |
| Moffat               | 4    |      |      |      |      |      |
| Montrose             | 1    |      |      | 1    |      |      |
| Morgan               |      |      |      |      | 1    |      |
| Otero                | 1    |      |      |      | 1    | 1    |
| Park                 | 1    |      |      | 2    | 2    |      |
| Prowers              |      |      |      |      | 2    |      |
| Routt                |      |      |      | 3    |      |      |





**Appendix C, Table 9. Marijuana production arrests, by county, 2012–2017**

| Marijuana-Production |      |      |      |      |      |      |
|----------------------|------|------|------|------|------|------|
| County               | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Sedgwick             |      |      | 1    |      |      |      |
| Teller               | 1    |      |      |      | 1    |      |
| Weld                 | 7    | 4    | 2    | 6    | 3    | 9    |
| Total                | 179  | 111  | 175  | 188  | 248  | 267  |

**Appendix C, Table 10. Marijuana arrests for unknown reason, by county, 2012–2017**

| Marijuana-Unknown |      |      |      |      |      |      |
|-------------------|------|------|------|------|------|------|
| County            | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Unknown           | 111  | 32   | 38   | 24   | 18   | 31   |
| Adams             | 134  | 85   | 99   | 98   | 72   | 110  |
| Alamosa           |      |      | 3    | 1    | 11   | 11   |
| Arapahoe          | 6    | 9    | 5    | 9    | 9    | 12   |
| Archuleta         |      |      |      | 1    | 1    | 2    |
| Boulder           | 39   | 53   | 34   | 38   | 30   | 43   |
| Broomfield        | 2    | 1    |      | 2    | 4    |      |
| Chaffee           |      |      |      | 3    | 1    |      |
| Clear Creek       | 2    |      | 1    |      |      |      |
| Custer            |      |      | 1    | 3    | 1    | 1    |
| Delta             |      | 3    |      |      | 2    | 6    |
| Denver            | 2    | 3    | 1    | 2    | 1    |      |
| Dolores           |      |      |      |      |      | 3    |
| Douglas           | 5    | 56   | 2    | 1    | 6    | 10   |
| Eagle             | 27   | 55   | 34   | 17   | 15   | 6    |
| El Paso           | 132  | 68   | 81   | 11   | 17   | 20   |
| Fremont           | 8    |      |      | 6    | 3    | 23   |
| Garfield          | 11   | 6    | 10   | 6    | 11   | 33   |
| Gilpin            |      |      |      |      | 1    | 1    |
| Gunnison          |      | 3    | 2    |      | 4    | 8    |
| Jefferson         | 172  | 120  | 76   | 59   | 34   | 33   |
| Kit Carson        |      |      |      | 1    |      |      |
| La Plata          | 1    |      |      | 25   | 15   | 39   |
| Lake              |      |      | 1    |      | 1    |      |
| Larimer           | 360  | 169  | 156  | 94   | 90   | 71   |
| Las Animas        |      |      |      | 1    |      |      |
| Logan             | 1    |      |      |      |      | 1    |
| Mesa              | 43   | 68   | 65   | 82   | 57   | 136  |
| Moffat            | 2    |      |      |      |      |      |
| Montezuma         | 14   |      | 2    |      |      |      |
| Montrose          |      |      | 1    | 1    | 1    |      |
| Morgan            |      |      | 2    | 1    |      |      |
| Otero             | 6    |      |      |      |      |      |
| Park              | 1    |      |      |      |      |      |
| Pitkin            |      |      | 1    |      |      |      |
| Prowers           |      | 1    | 1    |      |      |      |
| Pueblo            | 12   | 10   | 10   | 3    | 2    | 3    |
| Rio Grande        | 1    |      |      |      |      |      |
| Routt             | 3    | 10   | 14   | 6    | 1    | 2    |
| Saguache          |      |      |      |      |      | 7    |

**Appendix C, Table 10. Marijuana arrests for unknown reason, by county, 2012–2017**

| Marijuana-Unknown |       |      |      |      |      |      |
|-------------------|-------|------|------|------|------|------|
| County            | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
| Summit            |       |      | 3    | 8    | 8    | 1    |
| Teller            | 3     |      | 3    | 3    |      | 1    |
| Washington        |       |      | 1    |      |      |      |
| Weld              | 1     | 4    | 1    | 3    | 14   | 1    |
| Total             | 1,099 | 756  | 648  | 509  | 430  | 615  |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

Note: Since county is determined based on the law enforcement agency's location there are some statewide agencies, such as the Colorado State Patrol, that cannot be assigned to a specific county.

**Appendix C, Table 11. Marijuana smuggling arrests, by county, 2012–2017**

| Marijuana-Smuggling |      |      |      |      |      |      |
|---------------------|------|------|------|------|------|------|
| County              | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| Unknown             | 1    | 2    |      | 2    | 1    |      |
| Arapahoe            |      |      |      |      | 3    |      |
| Boulder             |      |      |      |      |      | 1    |
| El Paso             | 4    | 1    |      | 1    |      |      |
| Gilpin              | 1    |      |      |      |      |      |
| Larimer             |      |      |      |      | 1    |      |
| Lincoln             |      |      |      | 1    | 1    |      |
| Mesa                |      | 1    |      |      |      |      |
| Otero               |      |      |      |      |      | 1    |
| Prowers             |      |      |      |      | 1    |      |
| Rio Grande          |      | 1    |      |      |      |      |
| Weld                |      |      |      |      | 1    | 1    |
| Total               | 6    | 5    |      | 4    | 8    | 3    |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

Note: Since county is determined based on the law enforcement agency's location there are some statewide agencies, such as the Colorado State Patrol, that cannot be assigned to a specific county.

**Appendix C, Table 12. Marijuana arrests, by agency, 2012–2017**

| Agency                              | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------------------------|------|------|------|------|------|------|
| Acet (All Crimes Enforcement Team)  | 0    | 0    | 0    | 0    | 0    | 1    |
| Adams County SO                     | 678  | 262  | 154  | 150  | 112  | 98   |
| Adams State College                 | 0    | 6    | 12   | 16   | 14   | 9    |
| Aims Community College PD           | 2    | 0    | 0    | 0    | 0    | 0    |
| Alamosa County SO                   | 2    | 0    | 0    | 0    | 0    | 0    |
| Alamosa PD                          | 0    | 0    | 0    | 5    | 1    | 14   |
| Arapahoe Community College          | 1    | 1    | 1    | 1    | 1    | 0    |
| Arapahoe County SO                  | 77   | 39   | 50   | 22   | 39   | 58   |
| Archuleta County SO                 | 1    | 0    | 0    | 1    | 4    | 2    |
| Arvada PD                           | 432  | 205  | 246  | 263  | 194  | 190  |
| Aspen PD                            | 7    | 0    | 10   | 3    | 0    | 2    |
| Ault PD                             | 2    | 0    | 3    | 3    | 3    | 0    |
| Auraria Department of Public Safety | 5    | 0    | 0    | 7    | 6    | 7    |
| Aurora PD                           | 727  | 397  | 509  | 429  | 447  | 356  |
| Avon PD                             | 58   | 7    | 23   | 18   | 7    | 20   |
| Baca County SO                      | 4    | 3    | 0    | 1    | 0    | 0    |
| Basalt PD                           | 7    | 4    | 1    | 3    | 0    | 0    |
| Bayfield PD                         | 0    | 0    | 0    | 3    | 3    | 3    |
| Bent County SO                      | 0    | 1    | 0    | 1    | 0    | 0    |
| Berthoud PD                         | 5    | 5    | 0    | 0    | 0    | 0    |
| Black Hawk PD                       | 66   | 0    | 1    | 2    | 0    | 2    |
| Boulder County SO                   | 0    | 0    | 0    | 48   | 52   | 71   |
| Boulder PD                          | 137  | 76   | 71   | 42   | 30   | 15   |
| Bow Mar PD                          | 0    | 0    | 0    | 0    | 0    | 1    |
| Breckenridge PD                     | 1    | 0    | 4    | 16   | 12   | 4    |
| Brighton PD                         | 193  | 107  | 146  | 153  | 118  | 151  |
| Broomfield PD                       | 294  | 127  | 132  | 76   | 113  | 108  |
| Brush PD                            | 10   | 2    | 0    | 2    | 7    | 3    |
| Buena Vista PD                      | 1    | 2    | 2    | 11   | 6    | 6    |
| Burlington PD                       | 8    | 3    | 1    | 3    | 4    | 5    |
| Campo PD                            | 13   | 4    | 0    | 0    | 0    | 0    |
| Canon City PD                       | 21   | 7    | 4    | 6    | 0    | 20   |
| Carbondale PD                       | 0    | 1    | 0    | 0    | 4    | 6    |
| Castle Rock PD                      | 112  | 63   | 37   | 67   | 61   | 102  |
| Centennial PD                       | 78   | 32   | 34   | 14   | 30   | 20   |
| Center PD                           | 4    | 0    | 1    | 2    | 0    | 10   |
| Central City PD                     | 0    | 4    | 2    | 0    | 0    | 0    |
| Chaffee County SO                   | 19   | 3    | 3    | 2    | 7    | 2    |
| Cherry Hills Village PD             | 0    | 4    | 0    | 3    | 0    | 0    |
| Cheyenne County SO                  | 2    | 1    | 0    | 0    | 0    | 0    |
| Clear Creek County SO               | 31   | 4    | 5    | 6    | 2    | 1    |

**Appendix C, Table 12. Marijuana arrests, by agency, 2012–2017**

| Agency                                    | 2012  | 2013 | 2014 | 2015  | 2016 | 2017 |
|-------------------------------------------|-------|------|------|-------|------|------|
| Colorado Mental Health Institute-Pueblo   | 0     | 0    | 1    | 0     | 0    | 1    |
| Colorado School of Mines-Golden           | 7     | 6    | 7    | 2     | 8    | 18   |
| Colorado Springs PD                       | 420   | 243  | 313  | 343   | 450  | 307  |
| Colorado State Patrol                     | 1,265 | 274  | 333  | 335   | 269  | 277  |
| Colorado State University-Fort Collins    | 83    | 56   | 42   | 40    | 67   | 41   |
| Commerce City PD                          | 188   | 143  | 94   | 75    | 60   | 53   |
| Conejos County SO                         | 2     | 0    | 0    | 0     | 0    | 0    |
| Cortez PD                                 | 8     | 1    | 3    | 1     | 1    | 4    |
| Costilla County SO                        | 0     | 0    | 1    | 0     | 0    | 0    |
| Craig PD                                  | 82    | 21   | 18   | 21    | 35   | 24   |
| Crested Butte PD                          | 2     | 4    | 5    | 4     | 6    | 10   |
| Cripple Creek PD                          | 14    | 7    | 5    | 4     | 3    | 2    |
| Crowley County SO                         | 0     | 0    | 0    | 1     | 0    | 3    |
| Custer County SO                          | 1     | 1    | 3    | 4     | 2    | 2    |
| Dacono PD                                 | 4     | 0    | 1    | 0     | 1    | 4    |
| De Beque PD                               | 0     | 5    | 0    | 0     | 0    | 0    |
| Del Norte PD                              | 9     | 0    | 0    | 5     | 1    | 1    |
| Delta County SO                           | 0     | 2    | 0    | 0     | 4    | 0    |
| Delta PD                                  | 14    | 10   | 4    | 1     | 18   | 18   |
| Denver PD                                 | 155   | 451  | 836  | 1,118 | 607  | 260  |
| Dillion PD                                | 0     | 0    | 0    | 1     | 1    | 1    |
| Division of Gaming-Criminal Investigation | 0     | 1    | 0    | 0     | 0    | 0    |
| Dolores County SO                         | 0     | 1    | 1    | 0     | 0    | 4    |
| Douglas County SO                         | 233   | 163  | 117  | 119   | 143  | 193  |
| Durango PD                                | 22    | 9    | 7    | 36    | 31   | 57   |
| Eagle County SO                           | 74    | 49   | 29   | 15    | 21   | 7    |
| Eagle PD                                  | 17    | 3    | 7    | 4     | 8    | 21   |
| Eaton PD                                  | 2     | 4    | 0    | 1     | 2    | 4    |
| Edgewater PD                              | 6     | 4    | 0    | 10    | 8    | 30   |
| El Paso County SO                         | 154   | 115  | 109  | 12    | 23   | 25   |
| Elbert County SO                          | 8     | 2    | 1    | 7     | 4    | 12   |
| Elizabeth PD                              | 9     | 17   | 16   | 0     | 0    | 0    |
| Empire PD                                 | 2     | 2    | 0    | 0     | 0    | 0    |
| Englewood PD                              | 247   | 92   | 91   | 99    | 85   | 82   |
| Erie PD                                   | 26    | 22   | 43   | 23    | 37   | 22   |
| Estes Park PD                             | 18    | 2    | 4    | 2     | 3    | 2    |
| Evans PD                                  | 58    | 33   | 28   | 18    | 8    | 16   |
| Federal Heights PD                        | 78    | 14   | 4    | 18    | 21   | 25   |
| Firestone PD                              | 7     | 15   | 8    | 13    | 19   | 13   |
| Florence PD                               | 11    | 3    | 0    | 0     | 1    | 0    |
| Fort Collins PD                           | 285   | 180  | 201  | 181   | 256  | 226  |

**Appendix C, Table 12. Marijuana arrests, by agency, 2012–2017**

| Agency                | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|-----------------------|------|------|------|------|------|------|
| Fort Lewis College PD | 32   | 42   | 67   | 26   | 34   | 20   |
| Fort Lupton PD        | 46   | 3    | 10   | 11   | 3    | 5    |
| Fort Morgan PD        | 34   | 17   | 27   | 8    | 10   | 20   |
| Fountain PD           | 151  | 89   | 70   | 58   | 31   | 92   |
| Fowler PD             | 1    | 0    | 0    | 0    | 4    | 1    |
| Frederick PD          | 17   | 8    | 16   | 16   | 10   | 13   |
| Fremont County SO     | 6    | 1    | 1    | 6    | 5    | 4    |
| Frisco PD             | 15   | 0    | 0    | 0    | 0    | 0    |
| Fruita PD             | 26   | 41   | 37   | 26   | 12   | 8    |
| Garden City PD        | 1    | 1    | 3    | 1    | 2    | 0    |
| Garfield County SO    | 14   | 9    | 4    | 13   | 15   | 26   |
| Georgetown PD         | 0    | 1    | 0    | 2    | 0    | 0    |
| Gilpin County SO      | 30   | 3    | 1    | 4    | 3    | 4    |
| Glendale PD           | 3    | 2    | 0    | 3    | 2    | 0    |
| Glenwood Springs PD   | 136  | 29   | 28   | 38   | 40   | 36   |
| Golden PD             | 78   | 41   | 50   | 43   | 38   | 43   |
| Granby PD             | 14   | 2    | 4    | 0    | 2    | 0    |
| Grand Junction PD     | 492  | 296  | 299  | 279  | 274  | 328  |
| Greeley PD            | 250  | 176  | 141  | 107  | 94   | 81   |
| Greenwood Village PD  | 131  | 49   | 31   | 50   | 30   | 22   |
| Gunison PD            | 32   | 24   | 16   | 42   | 25   | 28   |
| Gunnison County SO    | 0    | 1    | 2    | 1    | 0    | 5    |
| Gypsum PD             | 0    | 0    | 3    | 14   | 3    | 3    |
| Haxtun PD             | 0    | 0    | 4    | 0    | 0    | 2    |
| Hinsdale County SO    | 0    | 0    | 0    | 0    | 2    | 0    |
| Holyoke PD            | 2    | 1    | 0    | 1    | 2    | 0    |
| Hotchkiss PD          | 1    | 1    | 4    | 1    | 2    | 3    |
| Hudson PD             | 2    | 0    | 4    | 0    | 0    | 0    |
| Huerfano County SO    | 1    | 0    | 1    | 1    | 6    | 1    |
| Hugo Marshals Office  | 0    | 0    | 0    | 1    | 1    | 0    |
| Idaho Springs PD      | 11   | 0    | 1    | 1    | 0    | 0    |
| Jefferson County SO   | 414  | 210  | 202  | 209  | 197  | 216  |
| Johnstown PD          | 9    | 1    | 0    | 0    | 8    | 15   |
| Keensburg PD          | 0    | 1    | 0    | 2    | 0    | 0    |
| Kersey PD             | 0    | 6    | 2    | 4    | 0    | 1    |
| Kiowa County SO       | 1    | 3    | 0    | 0    | 0    | 0    |
| Kit Carson County SO  | 10   | 8    | 3    | 14   | 6    | 10   |
| La Junta PD           | 20   | 3    | 6    | 14   | 1    | 6    |
| La Plata County SO    | 0    | 2    | 7    | 0    | 1    | 0    |
| Lafayette PD          | 125  | 26   | 36   | 15   | 30   | 25   |
| Lake County SO        | 10   | 0    | 1    | 0    | 0    | 1    |

**Appendix C, Table 12. Marijuana arrests, by agency, 2012–2017**

| Agency              | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---------------------|------|------|------|------|------|------|
| Lakeside PD         | 13   | 0    | 1    | 3    | 1    | 0    |
| Lakewood PD         | 371  | 217  | 319  | 237  | 336  | 291  |
| Lamar PD            | 71   | 28   | 28   | 2    | 0    | 2    |
| Larimer County SO   | 224  | 66   | 65   | 38   | 37   | 42   |
| LaSalle PD          | 3    | 0    | 0    | 0    | 0    | 0    |
| Leadville PD        | 14   | 3    | 2    | 0    | 2    | 0    |
| Lincoln County SO   | 1    | 0    | 0    | 0    | 0    | 7    |
| Littleton PD        | 167  | 62   | 65   | 51   | 40   | 32   |
| Lochbuie PD         | 0    | 2    | 1    | 8    | 0    | 1    |
| Logan County SO     | 37   | 2    | 12   | 5    | 6    | 5    |
| Lone Tree PD        | 92   | 13   | 5    | 17   | 12   | 23   |
| Longmont PD         | 72   | 48   | 73   | 74   | 72   | 43   |
| Louisville PD       | 0    | 1    | 10   | 11   | 27   | 36   |
| Loveland PD         | 281  | 155  | 146  | 158  | 145  | 159  |
| Mancos PD           | 0    | 0    | 0    | 1    | 0    | 1    |
| Manitou Springs PD  | 66   | 43   | 67   | 53   | 24   | 4    |
| Mead PD             | 3    | 8    | 12   | 13   | 16   | 4    |
| Meeker PD           | 4    | 0    | 1    | 0    | 0    | 0    |
| Mesa County SO      | 104  | 66   | 71   | 66   | 35   | 69   |
| Milliken PD         | 0    | 3    | 10   | 5    | 7    | 8    |
| Minturn PD          | 1    | 0    | 0    | 0    | 0    | 0    |
| Moffat County SO    | 17   | 1    | 2    | 8    | 12   | 6    |
| Monte Vista PD      | 19   | 2    | 2    | 6    | 5    | 7    |
| Montezuma County SO | 66   | 5    | 11   | 4    | 9    | 3    |
| Montrose County SO  | 25   | 12   | 11   | 6    | 11   | 3    |
| Montrose PD         | 108  | 38   | 35   | 33   | 22   | 25   |
| Monument PD         | 17   | 5    | 1    | 2    | 5    | 11   |
| Morgan County SO    | 7    | 0    | 7    | 0    | 1    | 0    |
| Morrison PD         | 2    | 0    | 0    | 0    | 0    | 0    |
| Mountain View PD    | 1    | 0    | 1    | 0    | 1    | 2    |
| Mt Crested Butte PD | 3    | 0    | 8    | 2    | 2    | 1    |
| Nederland PD        | 0    | 0    | 0    | 0    | 1    | 0    |
| Northglenn PD       | 212  | 100  | 106  | 88   | 65   | 61   |
| Oak Creek PD        | 0    | 0    | 0    | 0    | 0    | 1    |
| Otero County SO     | 1    | 0    | 0    | 0    | 0    | 1    |
| Ouray PD            | 0    | 0    | 4    | 0    | 0    | 0    |
| Pagosa Springs PD   | 16   | 3    | 6    | 18   | 7    | 2    |
| Palisade PD         | 0    | 0    | 12   | 9    | 5    | 19   |
| Palmer Lake Marshal | 1    | 0    | 0    | 0    | 0    | 0    |
| Paonia PD           | 0    | 2    | 0    | 0    | 0    | 0    |
| Parachute PD        | 13   | 2    | 10   | 25   | 14   | 8    |

**Appendix C, Table 12. Marijuana arrests, by agency, 2012–2017**

| Agency                                                     | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|------------------------------------------------------------|------|------|------|------|------|------|
| Park County SO                                             | 10   | 1    | 4    | 2    | 3    | 0    |
| Parker PD                                                  | 96   | 92   | 54   | 55   | 49   | 70   |
| Phillips County SO                                         | 0    | 0    | 0    | 0    | 0    | 1    |
| Pikes Peak Community College PD                            | 4    | 0    | 1    | 0    | 1    | 0    |
| Pitkin County SO                                           | 0    | 0    | 0    | 4    | 4    | 1    |
| Platteville PD                                             | 0    | 0    | 0    | 0    | 1    | 0    |
| Prowers County SO                                          | 19   | 4    | 10   | 1    | 7    | 0    |
| Pueblo County SO                                           | 1    | 16   | 17   | 20   | 40   | 36   |
| Pueblo PD                                                  | 22   | 4    | 5    | 1    | 3    | 0    |
| Rangely PD                                                 | 4    | 3    | 17   | 8    | 3    | 1    |
| Red Rocks PD                                               | 11   | 0    | 3    | 3    | 2    | 1    |
| Rifle PD                                                   | 0    | 9    | 2    | 10   | 10   | 42   |
| Rio Blanco County SO                                       | 18   | 1    | 0    | 3    | 0    | 1    |
| Rio Grande County SO                                       | 0    | 2    | 0    | 0    | 0    | 0    |
| Routt County SO                                            | 10   | 0    | 1    | 5    | 1    | 2    |
| Saguache County SO                                         | 7    | 0    | 1    | 0    | 0    | 0    |
| Salida PD                                                  | 27   | 9    | 12   | 0    | 6    | 2    |
| San Juan County SO                                         | 0    | 1    | 0    | 0    | 0    | 0    |
| San Miguel County SO                                       | 0    | 0    | 0    | 0    | 4    | 0    |
| Sedgwick County SO                                         | 1    | 3    | 1    | 0    | 0    | 0    |
| Severance PD                                               | 2    | 0    | 1    | 0    | 3    | 2    |
| Sheridan PD                                                | 35   | 22   | 32   | 31   | 13   | 10   |
| Silt PD                                                    | 1    | 0    | 0    | 1    | 1    | 5    |
| Silverthorne PD                                            | 5    | 0    | 1    | 3    | 5    | 1    |
| Southwest Drug Task Force                                  | 0    | 0    | 0    | 2    | 0    | 0    |
| Springfield PD                                             | 0    | 0    | 1    | 0    | 2    | 0    |
| Steamboat Springs PD                                       | 80   | 36   | 55   | 40   | 46   | 40   |
| Sterling PD                                                | 4    | 1    | 16   | 29   | 11   | 6    |
| Summit County SO                                           | 42   | 5    | 0    | 2    | 1    | 0    |
| Teller County SO                                           | 17   | 1    | 6    | 5    | 1    | 2    |
| Thornton PD                                                | 426  | 169  | 155  | 129  | 189  | 237  |
| Tinmath PD                                                 | 0    | 0    | 1    | 0    | 6    | 0    |
| Trinidad PD                                                | 7    | 5    | 1    | 1    | 0    | 4    |
| University of Colorado PD - Denver/Anschutz Medical Campus | 8    | 0    | 0    | 2    | 0    | 0    |
| University of Colorado PD- Boulder                         | 378  | 282  | 162  | 201  | 233  | 466  |
| University of Colorado PD-Colorado Springs                 | 35   | 22   | 31   | 11   | 4    | 8    |
| University of Northern Colorado-Greeley                    | 0    | 13   | 16   | 16   | 22   | 9    |
| Vail PD                                                    | 102  | 61   | 30   | 60   | 51   | 38   |
| Walsenburg PD                                              | 12   | 0    | 3    | 5    | 3    | 0    |
| Washington County SO                                       | 20   | 2    | 1    | 1    | 2    | 0    |

**Appendix C, Table 12. Marijuana arrests, by agency, 2012–2017**

| Agency           | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|------------------|--------|-------|-------|-------|-------|-------|
| Weld County SO   | 39     | 21    | 26    | 26    | 32    | 26    |
| Westminster PD   | 447    | 143   | 154   | 116   | 118   | 111   |
| Wheat Ridge PD   | 108    | 63    | 91    | 70    | 56    | 58    |
| Windsor PD       | 29     | 19    | 4     | 3     | 1     | 4     |
| Woodland Park PD | 24     | 37    | 18    | 16    | 23    | 21    |
| Yuma County SO   | 2      | 0     | 0     | 0     | 0     | 0     |
| Yuma PD          | 0      | 3     | 0     | 0     | 0     | 0     |
| Total            | 12,709 | 6,359 | 6,902 | 6,728 | 6,250 | 6,153 |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.



**Appendix C, Table 13. Marijuana arrests in Denver, 2012–2017**

| <b>Arrests</b>           | <b>2012</b> | <b>2013</b> | <b>2014</b> | <b>2015</b> | <b>2016</b> | <b>2017</b> |
|--------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Total (Individual)*      | 1,605       | 903         | 474         | 526         | 499         | 302         |
| <b>Gender</b>            |             |             |             |             |             |             |
| Male                     | 1,319       | 743         | 390         | 434         | 400         | 239         |
| Female                   | 286         | 160         | 84          | 91          | 98          | 62          |
| Unknown/Not Listed       | 0           | 0           | 0           | 1           | 1           | 1           |
| <b>Age</b>               |             |             |             |             |             |             |
| Under 18                 | 378         | 396         | 312         | 302         | 302         | 119         |
| 18-20                    | 287         | 93          | 56          | 82          | 56          | 30          |
| 21 and older             | 939         | 414         | 106         | 142         | 140         | 152         |
| Unknown/Not Listed       | 1           | 0           | 0           | 0           | 1           | 1           |
| <b>Race/ethnicity</b>    |             |             |             |             |             |             |
| White (non-Hispanic)     | 835         | 385         | 129         | 160         | 104         | 137         |
| African-American         | 469         | 219         | 130         | 133         | 118         | 47          |
| Hispanic                 | 272         | 277         | 195         | 201         | 237         | 99          |
| Asian / Pacific Islander | 14          | 6           | 4           | 15          | 16          | 17          |
| Native American          | 13          | 11          | 5           | 3           | 2           | 0           |
| Other/Unknown/Not Listed | 2           | 5           | 11          | 14          | 22          | 2           |
| <b>Type of crime **</b>  |             |             |             |             |             |             |
| Possession               | 1,587       | 667         | 397         | 431         | 389         | 336         |
| Production/cultivation   | 1           | 6           | 9           | 55          | 61          | 107         |
| Sales                    | 10          | 46          | 71          | 97          | 99          | 108         |
| Smuggling                | 0           | 0           | 0           | 0           | 0           | 0           |
| Unspecified/Other        | 8           | 184         | 0           | 0           | 0           | 0           |

Source: Denver Police Department Data Analysis Unit.

\* Does not include warrant arrests for marijuana charges or Civil or Administrative Citations for certain marijuana violations after 2014

\*\* Count of Charge Types, not individual arrests. Type of Crimes may not sum to total arrests as one individual may be charged with multiple crimes.

**APPENDIX D:**  
**OFFENSES REPORTED, BY LOCATION**

**Appendix D, Table 14. Marijuana offenses, by location, 2012–2017**

| Location                                      | 2012   | 2013  | 2014  | 2015  | 2016  | 2017  |
|-----------------------------------------------|--------|-------|-------|-------|-------|-------|
| Total                                         | 12,798 | 5,989 | 6,531 | 6,535 | 6,244 | 6,182 |
| Abandoned/Condemned Structure                 | 3      | 1     | 2     | 3     | 0     | 2     |
| Air/Bus/Train Terminal                        | 31     | 53    | 67    | 51    | 40    | 37    |
| Amusement Park                                | 4      | 3     | 1     | 2     | 2     | 1     |
| Arena/Stadium/Fairgrounds/Coliseum            | 17     | 11    | 8     | 10    | 11    | 9     |
| Auto Dealership New/Used                      | 1      | 0     | 0     | 1     | 1     | 0     |
| Bank/Savings and Loan                         | 5      | 1     | 1     | 0     | 2     | 1     |
| Bar/Nightclub                                 | 75     | 22    | 13    | 17    | 11    | 11    |
| Camp/Campground                               | 4      | 0     | 1     | 4     | 2     | 3     |
| Church/Synagogue/Temple/Mosque                | 4      | 8     | 6     | 12    | 8     | 6     |
| Commercial/Office Building                    | 43     | 34    | 33    | 39    | 43    | 54    |
| Community Center                              | 0      | 4     | 5     | 3     | 6     | 6     |
| Construction Site                             | 5      | 0     | 1     | 1     | 1     | 1     |
| Convenience Store                             | 48     | 27    | 23    | 29    | 25    | 24    |
| Daycare Facility                              | 0      | 0     | 1     | 0     | 0     | 0     |
| Department/Discount Store                     | 112    | 66    | 60    | 63    | 60    | 86    |
| Dock/Wharf/Freight/Modal Terminal             | 5      | 4     | 11    | 11    | 13    | 10    |
| Drug Store/Doctors Office/Hospital            | 24     | 8     | 7     | 7     | 12    | 18    |
| Farm Facility                                 | 0      | 3     | 0     | 0     | 0     | 1     |
| Field/Woods                                   | 151    | 122   | 72    | 72    | 49    | 46    |
| Gambling Facility/Casino/Race Track           | 14     | 2     | 1     | 1     | 0     | 3     |
| Government/Public Building                    | 84     | 44    | 38    | 46    | 35    | 54    |
| Grocery/Supermarket                           | 48     | 21    | 24    | 23    | 17    | 11    |
| Highway/Road/Alley/Street/Sidewalk            | 6,799  | 2,227 | 2,196 | 2,221 | 2,057 | 1,937 |
| Hotel/Motel/Etc.                              | 151    | 38    | 29    | 31    | 42    | 35    |
| Industrial Site                               | 1      | 0     | 3     | 3     | 3     | 2     |
| Jail/Prison/Penitentiary/Corrections Facility | 49     | 27    | 30    | 29    | 30    | 31    |
| Lake/Waterway/Beach                           | 10     | 4     | 4     | 5     | 3     | 4     |
| Liquor Store                                  | 8      | 1     | 0     | 1     | 2     | 2     |
| Military Installation                         | 2      | 0     | 0     | 0     | 0     | 0     |
| Other/Unknown                                 | 513    | 191   | 236   | 226   | 250   | 209   |
| Park/Playground                               | 227    | 198   | 369   | 473   | 346   | 323   |
| Parking/Drop Lot/Garage                       | 955    | 388   | 427   | 415   | 453   | 384   |
| Rental Storage Facility                       | 9      | 6     | 1     | 2     | 9     | 6     |
| Residence/Home                                | 1,476  | 564   | 668   | 681   | 798   | 821   |
| Rest Area                                     | 2      | 1     | 1     | 1     | 1     | 2     |
| Restaurant                                    | 46     | 18    | 21    | 28    | 26    | 27    |
| School – College/University                   | 519    | 448   | 465   | 600   | 572   | 809   |

**Appendix D, Table 14. Marijuana offenses, by location, 2012–2017**

| Location                        | 2012  | 2013  | 2014  | 2015  | 2016  | 2017  |
|---------------------------------|-------|-------|-------|-------|-------|-------|
| School – Elementary/Secondary   | 1,010 | 1,390 | 1,655 | 1,355 | 1,239 | 1,144 |
| School/College(Historical Only) | 258   | 0     | 0     | 0     | 0     | 0     |
| Service/Gas Station             | 15    | 8     | 7     | 9     | 4     | 8     |
| Shelter – Mission/Homeless      | 1     | 1     | 0     | 4     | 2     | 3     |
| Shopping Mall                   | 19    | 15    | 9     | 11    | 10    | 7     |
| Specialty Store                 | 50    | 30    | 35    | 44    | 58    | 43    |
| Tribal Lands                    | 0     | 0     | 0     | 1     | 1     | 1     |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.

**APPENDIX E:**  
**MARIJUANA DRUG SEIZURES, BY COUNTY**

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County  |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants   | No report |
|---------|------|-----------|-------------------|----------------------------|-----------------|----------|-----------|
| Unknown | 2012 | Amount    | 15873.27          | 0.07                       | 5.00            | 106.00   |           |
|         |      | N reports | 1293              | 2                          | 3               | 4        |           |
|         | 2013 | Amount    | 5071.24           |                            |                 |          |           |
|         |      | N reports | 280               |                            |                 |          |           |
|         | 2014 | Amount    | 4387.68           |                            |                 | 81.00    |           |
|         |      | N reports | 319               |                            |                 | 2        |           |
|         | 2015 | Amount    | 7645.67           | 0.03                       | 97.00           |          |           |
|         |      | N reports | 293               | 1                          | 4               |          |           |
|         | 2016 | Amount    | 1467.51           |                            | 9.00            | 256.00   |           |
|         |      | N reports | 200               |                            | 2               | 2        |           |
|         | 2017 | Amount    | 7788.50           |                            | 19.00           |          |           |
|         |      | N reports | 245               |                            | 4               |          |           |
| Adams   | 2012 | Amount    | 3412.29           | 99.75                      | 1234.71         | 9470.60  | NA        |
|         |      | N reports | 1988              | 1                          | 21              | 32       | 1         |
|         | 2013 | Amount    | 3813.18           |                            | 4.90            | 770.00   |           |
|         |      | N reports | 804               |                            | 3               | 6        |           |
|         | 2014 | Amount    | 1169.35           |                            | 7.00            | 70.00    |           |
|         |      | N reports | 658               |                            | 2               | 4        |           |
|         | 2015 | Amount    | 2467.12           | 3200.16                    | 188.90          | 232.00   | NA        |
|         |      | N reports | 603               | 1                          | 12              | 5        | 1         |
|         | 2016 | Amount    | 13288.43          | 1.03                       | 352.91          | 2971.00  | NA        |
|         |      | N reports | 608               | 2                          | 15              | 13       | 2         |
|         | 2017 | Amount    | 6525.85           |                            | 468.41          | 16603.00 | NA        |
|         |      | N reports | 648               |                            | 27              | 22       | 1         |
| Alamosa | 2012 | Amount    | 4.00              |                            |                 |          |           |
|         |      | N reports | 2                 |                            |                 |          |           |
|         | 2013 | Amount    | 1.04              |                            |                 |          |           |
|         |      | N reports | 2                 |                            |                 |          |           |
|         | 2014 | Amount    | 5.87              |                            |                 |          |           |
|         |      | N reports | 6                 |                            |                 |          |           |
|         | 2015 | Amount    | 57.65             |                            |                 |          |           |
|         |      | N reports | 16                |                            |                 |          |           |
|         | 2016 | Amount    | 2.82              |                            |                 |          |           |
|         |      | N reports | 6                 |                            |                 |          |           |
|         | 2017 | Amount    | 58.07             |                            |                 |          |           |
|         |      | N reports | 26                |                            |                 |          |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County    |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants  | No report |
|-----------|------|-----------|-------------------|----------------------------|-----------------|---------|-----------|
| Arapahoe  | 2012 | Amount    | 68188.77          | 65.28                      | 23.00           | 1071.00 | NA        |
|           |      | N reports | 1842              | 1                          | 13              | 5       | 6         |
|           | 2013 | Amount    | 26728.15          |                            |                 | 1.00    |           |
|           |      | N reports | 842               |                            |                 | 1       |           |
|           | 2014 | Amount    | 7232.76           |                            | 31010.00        | 7.00    |           |
|           |      | N reports | 875               |                            | 7               | 1       |           |
|           | 2015 | Amount    | 14843.43          |                            | 25.00           | 24.00   |           |
|           |      | N reports | 763               |                            | 2               | 2       |           |
|           | 2016 | Amount    | 26576.07          |                            | 7199.20         | 2.00    |           |
|           |      | N reports | 693               |                            | 5               | 2       |           |
|           | 2017 | Amount    | 27122.76          | 0.00                       | 962.20          | 0.00    | NA        |
|           |      | N reports | 618               | 1                          | 7               | 2       | 3         |
| Archuleta | 2012 | Amount    | 6.20              |                            |                 |         |           |
|           |      | N reports | 10                |                            |                 |         |           |
|           | 2013 | Amount    | 3.01              |                            |                 |         |           |
|           |      | N reports | 5                 |                            |                 |         |           |
|           | 2014 | Amount    | 10.64             |                            |                 |         |           |
|           |      | N reports | 9                 |                            |                 |         |           |
|           | 2015 | Amount    | 6.74              |                            |                 |         |           |
|           |      | N reports | 15                |                            |                 |         |           |
|           | 2016 | Amount    | 2.51              |                            |                 | 16.00   |           |
|           |      | N reports | 6                 |                            |                 | 1       |           |
| Baca      | 2012 | Amount    | 46.00             |                            |                 |         |           |
|           |      | N reports | 16                |                            |                 |         |           |
|           | 2013 | Amount    | 54.86             |                            |                 |         |           |
|           |      | N reports | 4                 |                            |                 |         |           |
|           | 2014 | Amount    | 608.00            |                            |                 |         |           |
|           |      | N reports | 1                 |                            |                 |         |           |
|           | 2015 | Amount    | 0.25              |                            |                 |         |           |
|           |      | N reports | 1                 |                            |                 |         |           |
|           | 2016 | Amount    | 64.00             |                            |                 |         |           |
|           |      | N reports | 1                 |                            |                 |         |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County     |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|------------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Bent       | 2012 | Amount    | 1.00              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2013 | Amount    | 1.00              |                            |                 |        |           |
|            |      | N reports | 2                 |                            |                 |        |           |
|            | 2015 | Amount    | 0.04              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2016 | Amount    |                   |                            |                 | 12.00  |           |
|            |      | N reports |                   |                            |                 | 1      |           |
| Boulder    | 2012 | Amount    | 555.69            |                            | 10.00           | 3.00   |           |
|            |      | N reports | 711               |                            | 10              | 1      |           |
|            | 2013 | Amount    | 921.01            |                            | 120.00          | 1.00   |           |
|            |      | N reports | 409               |                            | 8               | 1      |           |
|            | 2014 | Amount    | 1941.09           |                            | 8.00            | 17.00  |           |
|            |      | N reports | 299               |                            | 4               | 1      |           |
|            | 2015 | Amount    | 1806.48           |                            | 9.00            |        |           |
|            |      | N reports | 297               |                            | 7               |        |           |
| Broomfield | 2012 | Amount    | 1992.96           |                            | 8.00            |        |           |
|            |      | N reports | 209               |                            | 10              |        |           |
|            | 2013 | Amount    | 3467.95           |                            | 1.00            | 0.00   |           |
|            |      | N reports | 93                |                            | 1               | 1      |           |
|            | 2014 | Amount    | 38.00             |                            | 4.00            |        |           |
|            |      | N reports | 82                |                            | 5               |        |           |
|            | 2015 | Amount    | 12.18             |                            | 3.01            |        |           |
|            |      | N reports | 51                |                            | 5               |        |           |
|            | 2016 | Amount    | 809.41            |                            |                 |        |           |
|            |      | N reports | 73                |                            |                 |        |           |
|            | 2017 | Amount    | 40.66             |                            | 2.00            |        |           |
|            |      | N reports | 62                |                            | 1               |        |           |



**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County      |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|-------------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Chaffee     | 2012 | Amount    | 44.34             |                            | 2.00            | 10.00  |           |
|             |      | N reports | 42                |                            | 1               | 1      |           |
|             | 2013 | Amount    | 3.19              |                            |                 | 8.00   |           |
|             |      | N reports | 13                |                            |                 | 1      |           |
|             | 2014 | Amount    | 3.09              |                            | 1.00            |        |           |
|             |      | N reports | 14                |                            | 1               |        |           |
|             | 2015 | Amount    | 5.13              |                            |                 |        |           |
|             |      | N reports | 12                |                            |                 |        |           |
|             | 2016 | Amount    | 19.97             |                            | 1.00            |        |           |
|             |      | N reports | 19                |                            | 1               |        |           |
|             | 2017 | Amount    | 11.00             |                            |                 |        |           |
|             |      | N reports | 11                |                            |                 |        |           |
| Cheyenne    | 2012 | Amount    | 11.30             |                            |                 | 3.00   |           |
|             |      | N reports | 3                 |                            |                 | 1      |           |
|             | 2013 | Amount    | 12.00             |                            |                 |        |           |
|             |      | N reports | 1                 |                            |                 |        |           |
|             | 2014 | Amount    | 0.39              |                            |                 |        |           |
|             |      | N reports | 1                 |                            |                 |        |           |
| Clear Creek | 2012 | Amount    | 80.87             |                            | 4.00            | 323.00 |           |
|             |      | N reports | 44                |                            | 4               | 2      |           |
|             | 2013 | Amount    | 16.65             |                            | 12.00           |        |           |
|             |      | N reports | 7                 |                            | 3               |        |           |
|             | 2014 | Amount    | 2.38              |                            |                 |        |           |
|             |      | N reports | 7                 |                            |                 |        |           |
|             | 2015 | Amount    | 5.47              |                            |                 |        |           |
|             |      | N reports | 7                 |                            |                 |        |           |
|             | 2016 | Amount    |                   |                            | 3.00            | 0.00   |           |
|             |      | N reports |                   |                            | 1               | 1      |           |
|             | 2017 | Amount    | 0.04              |                            | 1.00            |        |           |
|             |      | N reports | 1                 |                            | 1               |        |           |
| Conejos     | 2012 | Amount    |                   |                            | 2.00            |        |           |
|             |      | N reports |                   |                            | 1               |        |           |
| Costilla    | 2014 | Amount    | 0.07              |                            |                 |        |           |
|             |      | N reports | 1                 |                            |                 |        |           |
| Crowley     | 2015 | Amount    | 0.00              |                            |                 |        |           |
|             |      | N reports | 1                 |                            |                 |        |           |
|             | 2017 | Amount    | 3246.94           |                            |                 |        |           |
|             |      | N reports | 2                 |                            |                 |        |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants  | No report |
|--------|------|-----------|-------------------|----------------------------|-----------------|---------|-----------|
| Custer | 2012 | Amount    | 41.85             |                            |                 | 43.10   |           |
|        |      | N reports | 2                 |                            |                 | 2       |           |
|        | 2013 | Amount    | 0.11              |                            |                 |         |           |
|        |      | N reports | 2                 |                            |                 |         |           |
|        | 2014 | Amount    | 0.00              |                            |                 | 5.00    |           |
|        |      | N reports | 1                 |                            |                 | 1       |           |
|        | 2015 | Amount    | 0.01              |                            |                 | 60.00   |           |
|        |      | N reports | 1                 |                            |                 | 1       |           |
|        | 2017 | Amount    | 3.26              |                            |                 |         |           |
|        |      | N reports | 2                 |                            |                 |         |           |
| Delta  | 2012 | Amount    | 9.75              |                            |                 |         |           |
|        |      | N reports | 4                 |                            |                 |         |           |
|        | 2013 | Amount    | 406.48            |                            |                 |         |           |
|        |      | N reports | 12                |                            |                 |         |           |
|        | 2014 | Amount    | 0.15              |                            |                 |         |           |
|        |      | N reports | 3                 |                            |                 |         |           |
|        | 2015 | Amount    | 690.80            |                            | 1.00            | 2232.00 | NA        |
|        |      | N reports | 4                 |                            | 1               | 1       | 1         |
|        | 2016 | Amount    | 7.53              |                            | 1.00            | 19.00   |           |
|        |      | N reports | 10                |                            | 1               | 1       |           |
| Denver | 2012 | Amount    | 150.50            |                            | 11.00           |         | NA        |
|        |      | N reports | 20                |                            | 4               |         | 374       |
|        | 2013 | Amount    | 3.83              |                            |                 |         | NA        |
|        |      | N reports | 7                 |                            |                 |         | 554       |
|        | 2014 | Amount    | 101.34            |                            | 1.00            |         | NA        |
|        |      | N reports | 7                 |                            | 1               |         | 771       |
|        | 2015 | Amount    | 12.49             |                            | 22.00           |         | NA        |
|        |      | N reports | 6                 |                            | 2               |         | 894       |
|        | 2016 | Amount    | 534.06            |                            |                 |         | NA        |
|        |      | N reports | 7                 |                            |                 |         | 575       |
|        | 2017 | Amount    | 6.31              |                            | 3.00            | 31.00   | NA        |
|        |      | N reports | 16                |                            | 1               | 2       | 370       |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County  |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants  | No report |
|---------|------|-----------|-------------------|----------------------------|-----------------|---------|-----------|
| Dolores | 2013 | Amount    | 0.25              |                            |                 |         |           |
|         |      | N reports | 1                 |                            |                 |         |           |
|         | 2014 | Amount    | 0.00              |                            |                 |         |           |
|         |      | N reports | 1                 |                            |                 |         |           |
|         | 2016 | Amount    | 208.00            |                            |                 |         |           |
|         |      | N reports | 1                 |                            |                 |         |           |
|         | 2017 | Amount    |                   |                            |                 | 25.10   |           |
|         |      | N reports |                   |                            |                 | 1       |           |
| Douglas | 2012 | Amount    | 195.44            |                            | 6.00            | 4.00    |           |
|         |      | N reports | 355               |                            | 3               | 1       |           |
|         | 2013 | Amount    | 217.62            |                            |                 | 101.00  |           |
|         |      | N reports | 261               |                            |                 | 2       |           |
|         | 2014 | Amount    | 41.68             |                            |                 | 600.00  |           |
|         |      | N reports | 203               |                            |                 | 1       |           |
|         | 2015 | Amount    | 1059.70           | 3038.72                    | 3.50            |         |           |
|         |      | N reports | 237               | 2                          | 4               |         |           |
|         | 2016 | Amount    | 6382.72           |                            | 48.50           | 150.00  |           |
|         |      | N reports | 291               |                            | 6               | 1       |           |
|         | 2017 | Amount    | 553.13            | 883.20                     | 1.00            | 1746.00 |           |
|         |      | N reports | 346               | 2                          | 1               | 3       |           |
| Eagle   | 2012 | Amount    | 544.31            |                            | 6.01            | 2.00    |           |
|         |      | N reports | 217               |                            | 3               | 1       |           |
|         | 2013 | Amount    | 188.17            |                            | 21.00           |         |           |
|         |      | N reports | 51                |                            | 3               |         |           |
|         | 2014 | Amount    | 71.67             |                            | 6.00            | 1300.00 |           |
|         |      | N reports | 47                |                            | 3               | 1       |           |
|         | 2015 | Amount    | 310.89            |                            | 11.00           |         |           |
|         |      | N reports | 36                |                            | 6               |         |           |
|         | 2016 | Amount    | 48.51             | 1.00                       | 1.00            |         |           |
|         |      | N reports | 16                | 1                          | 1               |         |           |
|         | 2017 | Amount    | 6.38              |                            | 8.00            |         |           |
|         |      | N reports | 23                |                            | 5               |         |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County  |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants  | No report |
|---------|------|-----------|-------------------|----------------------------|-----------------|---------|-----------|
| El Paso | 2012 | Amount    | 2792.80           | 0.00                       | 12.00           | 2217.24 |           |
|         |      | N reports | 810               | 1                          | 7               | 40      |           |
|         | 2013 | Amount    | 963.33            | 113.92                     | 22.00           | 110.00  |           |
|         |      | N reports | 449               | 2                          | 3               | 4       |           |
|         | 2014 | Amount    | 934.65            | 102.40                     | 5.00            | 9.00    |           |
|         |      | N reports | 523               | 1                          | 5               | 3       |           |
|         | 2015 | Amount    | 1250.27           | 771.84                     | 9.00            | 1.00    |           |
|         |      | N reports | 453               | 2                          | 9               | 1       |           |
|         | 2016 | Amount    | 5855.36           | 14.80                      | 19.00           | 328.00  |           |
|         |      | N reports | 458               | 3                          | 11              | 4       |           |
|         | 2017 | Amount    | 20903.04          | 1241.60                    | 461.00          | 3061.00 |           |
|         |      | N reports | 500               | 2                          | 24              | 25      |           |
| Elbert  | 2012 | Amount    | 52.26             |                            |                 | 0.60    |           |
|         |      | N reports | 12                |                            |                 | 1       |           |
|         | 2013 | Amount    | 309.64            |                            |                 |         |           |
|         |      | N reports | 11                |                            |                 |         |           |
|         | 2014 | Amount    | 5.03              |                            | 6.25            |         |           |
|         |      | N reports | 11                |                            | 3               |         |           |
|         | 2015 | Amount    | 29.88             |                            | 1.00            |         |           |
|         |      | N reports | 4                 |                            | 1               |         |           |
|         | 2016 | Amount    | 268.39            |                            |                 | 13.00   |           |
|         |      | N reports | 5                 |                            |                 | 1       |           |
|         | 2017 | Amount    | 93.10             |                            |                 | 180.00  |           |
|         |      | N reports | 13                |                            |                 | 3       |           |
| Fremont | 2012 | Amount    | 65.94             |                            | 26.20           | 1.00    |           |
|         |      | N reports | 60                |                            | 9               | 1       |           |
|         | 2013 | Amount    | 11.28             |                            | 202.00          |         |           |
|         |      | N reports | 25                |                            | 4               |         |           |
|         | 2014 | Amount    | 26569.06          |                            | 2.00            |         |           |
|         |      | N reports | 35                |                            | 2               |         |           |
|         | 2015 | Amount    | 0.57              |                            | 5.00            |         |           |
|         |      | N reports | 7                 |                            | 2               |         |           |
|         | 2016 | Amount    | 48.62             |                            | 7.00            |         |           |
|         |      | N reports | 7                 |                            | 4               |         |           |
|         | 2017 | Amount    | 2091.43           |                            | 24.50           |         | NA        |
|         |      | N reports | 26                |                            | 7               |         | 1         |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County   |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|----------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Garfield | 2012 | Amount    | 72.12             | 204.80                     | 2.00            |        |           |
|          |      | N reports | 143               | 2                          | 3               |        |           |
|          | 2013 | Amount    | 168.66            |                            | 1.00            |        |           |
|          |      | N reports | 49                |                            | 1               |        |           |
|          | 2014 | Amount    | 226.36            |                            |                 |        |           |
|          |      | N reports | 43                |                            |                 |        |           |
|          | 2015 | Amount    | 498.47            | 659.20                     | 2.00            |        |           |
|          |      | N reports | 62                | 2                          | 2               |        |           |
|          | 2016 | Amount    | 36.53             | 746.24                     | 23.00           |        |           |
|          |      | N reports | 71                | 1                          | 11              |        |           |
|          | 2017 | Amount    | 239.01            | 76.00                      | 37.00           | 1.00   |           |
|          |      | N reports | 75                | 2                          | 16              | 1      |           |
| Gilpin   | 2012 | Amount    | 60.20             |                            |                 |        |           |
|          |      | N reports | 88                |                            |                 |        |           |
|          | 2013 | Amount    | 5.62              |                            |                 |        |           |
|          |      | N reports | 8                 |                            |                 |        |           |
|          | 2014 | Amount    | 0.82              |                            | 1.00            |        |           |
|          |      | N reports | 4                 |                            | 1               |        |           |
|          | 2015 | Amount    | 2.61              |                            |                 |        |           |
|          |      | N reports | 4                 |                            |                 |        |           |
|          | 2016 | Amount    | 4.48              |                            |                 |        |           |
|          |      | N reports | 3                 |                            |                 |        |           |
|          | 2017 | Amount    | 2.89              |                            |                 |        |           |
|          |      | N reports | 8                 |                            |                 |        |           |
| Grand    | 2012 | Amount    | 2.08              |                            |                 |        |           |
|          |      | N reports | 10                |                            |                 |        |           |
|          | 2013 | Amount    | 0.11              |                            |                 |        |           |
|          |      | N reports | 3                 |                            |                 |        |           |
|          | 2014 | Amount    | 0.07              |                            |                 |        |           |
|          |      | N reports | 2                 |                            |                 |        |           |
|          | 2016 | Amount    | 57.56             |                            |                 |        |           |
|          |      | N reports | 3                 |                            |                 |        |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County   |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|----------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Gunnison | 2012 | Amount    | 115.66            |                            |                 | 17.00  |           |
|          |      | N reports | 36                |                            |                 | 2      |           |
|          | 2013 | Amount    | 44.75             |                            |                 | 18.00  |           |
|          |      | N reports | 24                |                            |                 | 1      |           |
|          | 2014 | Amount    | 40.21             |                            |                 |        |           |
|          |      | N reports | 23                |                            |                 |        |           |
|          | 2015 | Amount    | 30.51             | 0.03                       |                 | 66.00  |           |
|          |      | N reports | 32                | 1                          |                 | 1      |           |
|          | 2016 | Amount    | 3.92              |                            | 124.00          |        |           |
|          |      | N reports | 22                |                            | 1               |        |           |
|          | 2017 | Amount    | 9.44              |                            | 5.30            | 30.00  |           |
|          |      | N reports | 36                |                            | 4               | 1      |           |
| Hinsdale | 2012 | Amount    | 0.50              |                            |                 |        |           |
|          |      | N reports | 1                 |                            |                 |        |           |
|          | 2016 | Amount    | 0.05              |                            |                 |        |           |
|          |      | N reports | 1                 |                            |                 |        |           |
| Huerfano | 2012 | Amount    | 1.95              |                            |                 | 154.00 |           |
|          |      | N reports | 12                |                            |                 | 2      |           |
|          | 2013 | Amount    |                   |                            |                 | 6.00   |           |
|          |      | N reports |                   |                            |                 | 1      |           |
|          | 2014 | Amount    | 7.35              |                            |                 | 54.00  |           |
|          |      | N reports | 3                 |                            |                 | 1      |           |
|          | 2015 | Amount    | 6.03              |                            |                 | 513.00 |           |
|          |      | N reports | 4                 |                            |                 | 1      |           |
|          | 2016 | Amount    | 0.00              |                            |                 | 634.00 |           |
|          |      | N reports | 1                 |                            |                 | 2      |           |
|          | 2017 | Amount    | 22.50             |                            |                 | 493.00 |           |
|          |      | N reports | 1                 |                            |                 | 1      |           |
| Jackson  | 2012 | Amount    | 8.00              |                            |                 |        |           |
|          |      | N reports | 1                 |                            |                 |        |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County     |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|------------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Jefferson  | 2012 | Amount    | 1896.24           |                            | 30.10           | 6.00   | NA        |
|            |      | N reports | 1195              |                            | 17              | 1      | 1         |
|            | 2013 | Amount    | 1443.00           |                            | 9.10            |        |           |
|            |      | N reports | 568               |                            | 8               |        |           |
|            | 2014 | Amount    | 871.08            |                            | 21.10           | 679.70 |           |
|            |      | N reports | 641               |                            | 10              | 2      |           |
|            | 2015 | Amount    | 668.68            |                            | 4.00            | 389.00 |           |
|            |      | N reports | 546               |                            | 3               | 4      |           |
|            | 2016 | Amount    | 1752.25           |                            | 590.00          | 124.00 |           |
|            |      | N reports | 558               |                            | 16              | 2      |           |
|            | 2017 | Amount    | 1661.80           | 128.00                     | 95.04           | 122.35 | NA        |
|            |      | N reports | 588               | 1                          | 23              | 8      | 23        |
| Kiowa      | 2012 | Amount    | 0.50              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2013 | Amount    | 16.28             |                            |                 |        |           |
|            |      | N reports | 3                 |                            |                 |        |           |
| Kit Carson | 2012 | Amount    | 8.68              |                            |                 |        |           |
|            |      | N reports | 17                |                            |                 |        |           |
|            | 2013 | Amount    | 62.71             |                            |                 |        |           |
|            |      | N reports | 8                 |                            |                 |        |           |
|            | 2014 | Amount    | 0.85              |                            |                 |        |           |
|            |      | N reports | 6                 |                            |                 |        |           |
|            | 2015 | Amount    | 440.34            |                            |                 |        |           |
|            |      | N reports | 13                |                            |                 |        |           |
|            | 2016 | Amount    | 28.94             |                            |                 |        |           |
|            |      | N reports | 10                |                            |                 |        |           |
|            | 2017 | Amount    | 159.66            |                            |                 |        |           |
|            |      | N reports | 8                 |                            |                 |        |           |
| La Plata   | 2012 | Amount    | 8.96              |                            | 3.00            |        |           |
|            |      | N reports | 36                |                            | 2               |        |           |
|            | 2013 | Amount    | 4.53              |                            |                 |        |           |
|            |      | N reports | 42                |                            |                 |        |           |
|            | 2014 | Amount    | 6.67              |                            | 10.00           |        | NA        |
|            |      | N reports | 57                |                            | 1               |        | 1         |
|            | 2015 | Amount    | 6.59              |                            | 0.00            |        |           |
|            |      | N reports | 33                |                            | 4               |        |           |
|            | 2016 | Amount    | 39.57             |                            |                 |        |           |
|            |      | N reports | 36                |                            |                 |        |           |
|            | 2017 | Amount    | 49.13             |                            | 1.00            |        |           |
|            |      | N reports | 42                |                            | 1               |        |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County     |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|------------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Lake       | 2012 | Amount    | 48.25             |                            |                 | 300.00 |           |
|            |      | N reports | 18                |                            |                 | 1      |           |
|            | 2013 | Amount    | 8.00              |                            |                 |        |           |
|            |      | N reports | 3                 |                            |                 |        |           |
|            | 2014 | Amount    | 32.07             |                            |                 |        |           |
|            |      | N reports | 2                 |                            |                 |        |           |
|            | 2017 | Amount    | 17.38             |                            |                 |        |           |
|            |      | N reports | 2                 |                            |                 |        |           |
| Larimer    | 2012 | Amount    | 11064.00          | 4.34                       | 48.50           |        | NA        |
|            |      | N reports | 709               | 2                          | 26              |        | 6         |
|            | 2013 | Amount    | 263.55            |                            | 31.00           | 3.00   | NA        |
|            |      | N reports | 301               |                            | 10              | 1      | 1         |
|            | 2014 | Amount    | 337.57            |                            | 30.00           | 2.00   |           |
|            |      | N reports | 293               |                            | 3               | 1      |           |
|            | 2015 | Amount    | 36882.04          |                            | 10.00           | 99.00  | NA        |
|            |      | N reports | 288               |                            | 5               | 1      | 2         |
|            | 2016 | Amount    | 5699.23           | 0.13                       | 40.00           | 1.00   |           |
|            |      | N reports | 334               | 1                          | 6               | 1      |           |
|            | 2017 | Amount    | 9472.63           |                            | 187.00          | 6.00   |           |
|            |      | N reports | 320               |                            | 6               | 1      |           |
| Las Animas | 2012 | Amount    | 3.32              |                            |                 |        |           |
|            |      | N reports | 6                 |                            |                 |        |           |
|            | 2013 | Amount    | 8.13              |                            |                 |        |           |
|            |      | N reports | 7                 |                            |                 |        |           |
|            | 2015 | Amount    | 0.11              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2016 | Amount    | 0.01              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2017 | Amount    | 0.28              |                            |                 |        |           |
|            |      | N reports | 4                 |                            |                 |        |           |
| Lincoln    | 2015 | Amount    | 17.00             |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2016 | Amount    | 86.24             |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2017 | Amount    | 1752.00           |                            |                 | 84.00  |           |
|            |      | N reports | 1                 |                            |                 | 2      |           |



**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County  |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|---------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Logan   | 2012 | Amount    | 21.90             |                            | 1.00            |        |           |
|         |      | N reports | 39                |                            | 1               |        |           |
|         | 2013 | Amount    | 1.34              |                            |                 |        |           |
|         |      | N reports | 6                 |                            |                 |        |           |
|         | 2014 | Amount    | 4.11              |                            | 1.00            |        |           |
|         |      | N reports | 13                |                            | 1               |        |           |
|         | 2015 | Amount    | 36.93             |                            | 2.00            |        |           |
|         |      | N reports | 39                |                            | 1               |        |           |
|         | 2016 | Amount    | 15.59             |                            | 3.00            |        |           |
|         |      | N reports | 23                |                            | 1               |        |           |
| Mesa    | 2012 | Amount    | 61.92             |                            | 40.00           | 66.00  |           |
|         |      | N reports | 16                |                            | 8               | 2      |           |
|         | 2013 | Amount    | 5761.42           | 0.50                       | 1.00            | 10.00  |           |
|         |      | N reports | 490               | 1                          | 1               | 2      |           |
|         | 2014 | Amount    | 8220.22           |                            |                 | 2.00   |           |
|         |      | N reports | 285               |                            |                 | 1      |           |
|         | 2015 | Amount    | 1037.09           |                            | 2.00            | 1.00   |           |
|         |      | N reports | 284               |                            | 2               | 1      |           |
|         | 2016 | Amount    | 11013.46          |                            |                 | 3.00   |           |
|         |      | N reports | 277               |                            |                 | 1      |           |
| Mineral | 2017 | Amount    | 11135.32          |                            |                 | 139.00 |           |
|         |      | N reports | 242               |                            |                 | 1      |           |
|         | 2017 | Amount    | 70862.86          |                            |                 | 85.00  |           |
|         |      | N reports | 255               |                            |                 | 2      |           |
| Moffat  | 2014 | Amount    | 1.00              |                            |                 |        |           |
|         |      | N reports | 1                 |                            |                 |        |           |
| Moffat  | 2012 | Amount    | 29.24             |                            | 79.00           | 6.00   |           |
|         |      | N reports | 85                |                            | 1               | 1      |           |
|         | 2013 | Amount    | 24.51             |                            |                 |        |           |
|         |      | N reports | 19                |                            |                 |        |           |
|         | 2014 | Amount    | 23.32             | 1.01                       |                 |        |           |
|         |      | N reports | 22                | 1                          |                 |        |           |
|         | 2015 | Amount    | 3.61              |                            |                 |        |           |
|         |      | N reports | 25                |                            |                 |        |           |
|         | 2016 | Amount    | 4.62              |                            |                 |        |           |
|         |      | N reports | 43                |                            |                 |        |           |
| Moffat  | 2017 | Amount    | 21.94             |                            |                 |        |           |
|         |      | N reports | 35                |                            |                 |        |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County    |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|-----------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Montezuma | 2012 | Amount    | 67.18             |                            |                 |        |           |
|           |      | N reports | 70                |                            |                 |        |           |
|           | 2013 | Amount    | 49.00             |                            |                 |        |           |
|           |      | N reports | 7                 |                            |                 |        |           |
|           | 2014 | Amount    | 110.49            |                            |                 |        |           |
|           |      | N reports | 12                |                            |                 |        |           |
|           | 2015 | Amount    | 51.00             |                            |                 |        |           |
|           |      | N reports | 7                 |                            |                 |        |           |
|           | 2016 | Amount    | 63.77             | 0.07                       |                 |        |           |
|           |      | N reports | 8                 | 1                          |                 |        |           |
| Montrose  | 2012 | Amount    | 163.22            |                            |                 | 8.00   |           |
|           |      | N reports | 133               |                            |                 | 2      |           |
|           | 2013 | Amount    | 16.79             |                            |                 |        |           |
|           |      | N reports | 52                |                            |                 |        |           |
|           | 2014 | Amount    | 7.02              |                            |                 |        |           |
|           |      | N reports | 39                |                            |                 |        |           |
|           | 2015 | Amount    | 650.93            |                            |                 |        |           |
|           |      | N reports | 41                |                            |                 |        |           |
|           | 2016 | Amount    | 71.55             |                            |                 |        |           |
|           |      | N reports | 41                |                            |                 |        |           |
| Morgan    | 2012 | Amount    | 93.81             |                            | 8.00            |        | NA        |
|           |      | N reports | 47                |                            | 8               |        | 3         |
|           | 2013 | Amount    | 216.62            |                            |                 |        |           |
|           |      | N reports | 19                |                            |                 |        |           |
|           | 2014 | Amount    | 3.80              |                            | 1.00            |        |           |
|           |      | N reports | 25                |                            | 1               |        |           |
|           | 2015 | Amount    | 133.37            |                            |                 |        |           |
|           |      | N reports | 15                |                            |                 |        |           |
|           | 2016 | Amount    | 2.11              |                            | 1.00            | 40.00  | NA        |
|           |      | N reports | 6                 |                            | 1               | 2      | 4         |
|           | 2017 | Amount    | 67.85             |                            | 3.00            |        |           |
|           |      | N reports | 22                |                            | 2               |        |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County   |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|----------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Otero    | 2012 | Amount    | 7482.84           |                            |                 | 18.00  |           |
|          |      | N reports | 13                |                            |                 | 1      |           |
|          | 2013 | Amount    | 2.12              |                            |                 |        |           |
|          |      | N reports | 1                 |                            |                 |        |           |
|          | 2014 | Amount    | 2.03              |                            |                 |        |           |
|          |      | N reports | 4                 |                            |                 |        |           |
|          | 2015 | Amount    | 3.82              |                            |                 |        |           |
|          |      | N reports | 5                 |                            |                 |        |           |
|          | 2016 | Amount    | 10.07             |                            |                 |        |           |
|          |      | N reports | 2                 |                            |                 |        |           |
| Ouray    | 2012 | Amount    | 1.94              |                            |                 |        |           |
|          |      | N reports | 1                 |                            |                 |        |           |
|          | 2014 | Amount    | 0.50              |                            |                 |        |           |
|          |      | N reports | 3                 |                            |                 |        |           |
|          | 2015 | Amount    | 0.00              |                            |                 |        |           |
|          |      | N reports | 1                 |                            |                 |        |           |
| Park     | 2012 | Amount    | 7.51              |                            |                 | 30.01  |           |
|          |      | N reports | 12                |                            |                 | 1      |           |
|          | 2013 | Amount    | 2.00              |                            |                 |        |           |
|          |      | N reports | 2                 |                            |                 |        |           |
|          | 2014 | Amount    | 5.01              |                            |                 |        |           |
|          |      | N reports | 5                 |                            |                 |        |           |
|          | 2015 | Amount    | 2.00              |                            |                 | 170.00 |           |
|          |      | N reports | 2                 |                            |                 | 2      |           |
|          | 2016 | Amount    | 3.00              |                            |                 | 897.00 |           |
|          |      | N reports | 2                 |                            |                 | 2      |           |
| Phillips | 2012 | Amount    | 2.00              |                            |                 |        |           |
|          |      | N reports | 3                 |                            |                 |        |           |
|          | 2015 | Amount    | 0.04              |                            |                 |        |           |
|          |      | N reports | 1                 |                            |                 |        |           |
|          | 2016 | Amount    | 0.11              |                            |                 |        |           |
|          |      | N reports | 2                 |                            |                 |        |           |
| Park     | 2017 | Amount    |                   |                            | 3.00            |        |           |
|          |      | N reports | 8                 |                            | 3               |        |           |
| Park     | 2017 | Amount    |                   |                            | 9.00            | 212.00 |           |
|          |      | N reports |                   |                            | 1               | 1      |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County  |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants   | No report |
|---------|------|-----------|-------------------|----------------------------|-----------------|----------|-----------|
| Pitkin  | 2012 | Amount    | 23.77             |                            |                 |          | NA        |
|         |      | N reports | 23                |                            |                 |          | 1         |
|         | 2013 | Amount    | 2.27              |                            |                 |          |           |
|         |      | N reports | 4                 |                            |                 |          |           |
|         | 2014 | Amount    | 3.52              |                            | 6.00            |          |           |
|         |      | N reports | 12                |                            | 2               |          |           |
|         | 2015 | Amount    | 7.49              |                            | 8.00            |          |           |
|         |      | N reports | 8                 |                            | 1               |          |           |
|         | 2016 | Amount    | 3.00              |                            | 4.00            |          |           |
|         |      | N reports | 2                 |                            | 2               |          |           |
|         | 2017 | Amount    | 15.42             |                            | 7.00            |          |           |
|         |      | N reports | 4                 |                            | 3               |          |           |
| Prowers | 2012 | Amount    | 234.52            |                            |                 |          |           |
|         |      | N reports | 77                |                            |                 |          |           |
|         | 2013 | Amount    | 102.69            |                            |                 |          |           |
|         |      | N reports | 29                |                            |                 |          |           |
|         | 2014 | Amount    | 480.99            | 0.03                       |                 |          |           |
|         |      | N reports | 24                | 1                          |                 |          |           |
|         | 2015 | Amount    | 1.18              |                            |                 |          |           |
|         |      | N reports | 3                 |                            |                 |          |           |
|         | 2016 | Amount    | 225.16            | 0.10                       |                 |          |           |
|         |      | N reports | 2                 | 1                          |                 |          |           |
|         | 2017 | Amount    | 0.04              |                            |                 |          |           |
|         |      | N reports | 1                 |                            |                 |          |           |
| Pueblo  | 2012 | Amount    | 571.51            |                            | 2.00            | 14150.00 | NA        |
|         |      | N reports | 63                |                            | 2               | 2        | 2         |
|         | 2013 | Amount    | 78.97             |                            |                 | 59.00    |           |
|         |      | N reports | 53                |                            |                 | 2        |           |
|         | 2014 | Amount    | 543.50            |                            |                 | 0.04     |           |
|         |      | N reports | 56                |                            |                 | 1        |           |
|         | 2015 | Amount    | 313.70            |                            | 177.00          |          | NA        |
|         |      | N reports | 73                |                            | 8               |          | 2         |
|         | 2016 | Amount    | 2383.76           | 1.00                       | 261.00          | 2889.00  | NA        |
|         |      | N reports | 80                | 1                          | 5               | 19       | 1         |
|         | 2017 | Amount    | 843.51            | 2969.60                    | 121.00          | 582.27   | NA        |
|         |      | N reports | 64                | 1                          | 8               | 5        | 1         |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County     |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|------------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Rio Blanco | 2012 | Amount    | 18.54             |                            |                 |        |           |
|            |      | N reports | 18                |                            |                 |        |           |
|            | 2013 | Amount    | 0.15              |                            |                 |        |           |
|            |      | N reports | 3                 |                            |                 |        |           |
|            | 2014 | Amount    | 4.77              |                            |                 |        |           |
|            |      | N reports | 13                |                            |                 |        |           |
|            | 2015 | Amount    | 1.62              |                            |                 |        |           |
|            |      | N reports | 9                 |                            |                 |        |           |
|            | 2016 | Amount    | 0.07              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2017 | Amount    | 2.09              |                            |                 |        |           |
|            |      | N reports | 2                 |                            |                 |        |           |
| Rio Grande | 2012 | Amount    | 201.31            |                            | 4.00            |        |           |
|            |      | N reports | 28                |                            | 1               |        |           |
|            | 2013 | Amount    | 2.17              |                            |                 |        |           |
|            |      | N reports | 3                 |                            |                 |        |           |
|            | 2014 | Amount    | 0.28              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2015 | Amount    | 7.75              |                            |                 |        |           |
|            |      | N reports | 6                 |                            |                 |        |           |
|            | 2016 | Amount    | 0.22              |                            | 10.00           |        |           |
|            |      | N reports | 4                 |                            | 1               |        |           |
|            | 2017 | Amount    | 6.13              |                            | 11.00           |        |           |
|            |      | N reports | 4                 |                            | 4               |        |           |
| Routt      | 2012 | Amount    | 10.42             |                            |                 | 1.00   | NA        |
|            |      | N reports | 60                |                            |                 | 1      | 1         |
|            | 2013 | Amount    | 20.51             |                            |                 |        |           |
|            |      | N reports | 28                |                            |                 |        |           |
|            | 2014 | Amount    | 12.41             |                            | 1.00            |        |           |
|            |      | N reports | 29                |                            | 1               |        |           |
|            | 2015 | Amount    | 112.84            |                            |                 |        |           |
|            |      | N reports | 30                |                            |                 |        |           |
|            | 2016 | Amount    | 28.67             |                            |                 |        |           |
|            |      | N reports | 30                |                            |                 |        |           |
|            | 2017 | Amount    | 17.85             |                            |                 |        |           |
|            |      | N reports | 39                |                            |                 |        |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County     |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants | No report |
|------------|------|-----------|-------------------|----------------------------|-----------------|--------|-----------|
| Saguache   | 2012 | Amount    | 14.61             |                            |                 |        |           |
|            |      | N reports | 6                 |                            |                 |        |           |
|            | 2014 | Amount    | 0.62              |                            |                 |        |           |
|            |      | N reports | 2                 |                            |                 |        |           |
|            | 2015 | Amount    | 4.10              |                            |                 |        |           |
|            |      | N reports | 3                 |                            |                 |        |           |
|            | 2016 | Amount    | 1.00              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2017 | Amount    | 3.10              |                            |                 | 36.00  |           |
|            |      | N reports | 3                 |                            |                 | 4      |           |
| San Juan   | 2012 | Amount    | 0.25              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
| San Miguel | 2012 | Amount    | 2.32              |                            |                 |        |           |
|            |      | N reports | 10                |                            |                 |        |           |
|            | 2015 | Amount    | 0.12              |                            |                 |        |           |
|            |      | N reports | 2                 |                            |                 |        |           |
| Sedgwick   | 2012 | Amount    | 1.00              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
|            | 2013 | Amount    | 2.00              |                            |                 |        |           |
|            |      | N reports | 2                 |                            |                 |        |           |
|            | 2014 | Amount    | 0.20              |                            |                 |        |           |
|            |      | N reports | 1                 |                            |                 |        |           |
| Summit     | 2012 | Amount    | 40.56             | 1536.00                    | 93.30           |        |           |
|            |      | N reports | 70                | 1                          | 13              |        |           |
|            | 2013 | Amount    | 8.70              |                            | 5.00            |        |           |
|            |      | N reports | 14                |                            | 5               |        |           |
|            | 2014 | Amount    | 0.56              |                            | 1.00            |        |           |
|            |      | N reports | 3                 |                            | 1               |        |           |
|            | 2015 | Amount    | 0.54              |                            | 13.00           |        |           |
|            |      | N reports | 3                 |                            | 10              |        |           |
|            | 2016 | Amount    | 3.14              |                            | 22.00           |        |           |
|            |      | N reports | 7                 |                            | 10              |        |           |
|            | 2017 | Amount    | 0.60              |                            | 10.00           |        |           |
|            |      | N reports | 6                 |                            | 6               |        |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County     |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants  | No report |
|------------|------|-----------|-------------------|----------------------------|-----------------|---------|-----------|
| Teller     | 2012 | Amount    | 40.85             |                            | 1.00            |         |           |
|            |      | N reports | 49                |                            | 1               |         |           |
|            | 2013 | Amount    | 9.76              |                            |                 |         |           |
|            |      | N reports | 42                |                            |                 |         |           |
|            | 2014 | Amount    | 1087.08           |                            |                 |         |           |
|            |      | N reports | 31                |                            |                 |         |           |
|            | 2015 | Amount    | 129.24            | 5.89                       |                 |         |           |
|            |      | N reports | 19                | 1                          |                 |         |           |
|            | 2016 | Amount    | 145.11            |                            |                 |         |           |
|            |      | N reports | 15                |                            |                 |         |           |
|            | 2017 | Amount    | 596.90            |                            |                 | 41.00   |           |
|            |      | N reports | 22                |                            |                 | 1       |           |
| Washington | 2012 | Amount    | 20.58             |                            |                 |         |           |
|            |      | N reports | 18                |                            |                 |         |           |
|            | 2013 | Amount    | 0.30              |                            |                 |         |           |
|            |      | N reports | 2                 |                            |                 |         |           |
|            | 2015 | Amount    | 0.00              |                            |                 |         |           |
|            |      | N reports | 1                 |                            |                 |         |           |
|            | 2016 | Amount    | 32.07             |                            |                 |         |           |
|            |      | N reports | 4                 |                            |                 |         |           |
|            | 2017 | Amount    | 368.00            |                            |                 |         |           |
|            |      | N reports | 1                 |                            |                 |         |           |
| Weld       | 2012 | Amount    | 973.01            | 1.00                       | 9.00            | 315.00  | NA        |
|            |      | N reports | 529               | 1                          | 4               | 6       | 3         |
|            | 2013 | Amount    | 843.99            |                            | 2.00            | 149.00  |           |
|            |      | N reports | 315               |                            | 1               | 4       |           |
|            | 2014 | Amount    | 188.27            |                            | 7.00            | 14.00   |           |
|            |      | N reports | 320               |                            | 4               | 2       |           |
|            | 2015 | Amount    | 424.07            |                            | 1.00            | 211.00  |           |
|            |      | N reports | 261               |                            | 1               | 1       |           |
|            | 2016 | Amount    | 4009.36           |                            | 31.20           | 1583.00 |           |
|            |      | N reports | 288               |                            | 6               | 7       |           |
|            | 2017 | Amount    | 5835.83           | 0.10                       | 92.00           | 1464.00 |           |
|            |      | N reports | 224               | 1                          | 6               | 5       |           |
| Yuma       | 2012 | Amount    | 0.00              |                            |                 | 14.00   |           |
|            |      | N reports | 2                 |                            |                 | 1       |           |

**Appendix E, Table 15. Marijuana seized by law enforcement, by measurement type and county, 2012–2017**

| County |      |           | Weight-<br>Ounces | Volume-<br>Fluid<br>Ounces | Dosage<br>units | Plants   | No report |
|--------|------|-----------|-------------------|----------------------------|-----------------|----------|-----------|
| Total  | 2012 | Amount    | 123144.33         | 1911.73                    | 1631.82         | 28283.55 | NA        |
|        |      | N reports | 11762             | 12                         | 169             | 115      | 398       |
|        | 2013 | Amount    | 53823.42          | 113.92                     | 431.00          | 1228.00  | NA        |
|        |      | N reports | 5183              | 2                          | 50              | 26       | 555       |
|        | 2014 | Amount    | 48162.52          | 103.45                     | 31131.35        | 2839.74  | NA        |
|        |      | N reports | 5077              | 3                          | 60              | 22       | 772       |
|        | 2015 | Amount    | 81654.96          | 7675.87                    | 592.42          | 4000.00  | NA        |
|        |      | N reports | 4623              | 10                         | 90              | 21       | 900       |
|        | 2016 | Amount    | 82325.29          | 767.21                     | 8778.82         | 10076.00 | NA        |
|        |      | N reports | 4614              | 14                         | 130             | 64       | 582       |
|        | 2017 | Amount    | 165707.19         | 89847.62                   | 5242.99         | 25254.73 | NA        |
|        |      | N reports | 4888              | 11                         | 199             | 95       | 399       |

Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, analyzed by the Division of Criminal Justice.



## **APPENDIX F: COURT FILINGS**

**Appendix F, Table 16. Marijuana court filings, by age group, 2008-2017**

| Age group                             | 2008  | 2009  | 2010  | 2011  | 2012  | 2013  | 2014  | 2015  | 2016  | 2017  |
|---------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| <b>10-17 years old</b>                |       |       |       |       |       |       |       |       |       |       |
| Total cases                           | 1,754 | 1,616 | 1,640 | 1,544 | 1,624 | 1,492 | 1,532 | 1,766 | 1,496 | 1,607 |
| Total charges                         | 2,463 | 1,942 | 1,757 | 1,631 | 1,720 | 1,588 | 1,767 | 2,213 | 1,969 | 2,048 |
| <i>Charge law class</i>               |       |       |       |       |       |       |       |       |       |       |
| Felony                                | 204   | 216   | 170   | 127   | 123   | 104   | 30    | 24    | 31    | 20    |
| Misdemeanor                           | 113   | 98    | 94    | 73    | 64    | 102   | 201   | 143   | 100   | 149   |
| Petty offense                         | 2,146 | 1,628 | 1,493 | 1,431 | 1,533 | 1,380 | 1,499 | 2,013 | 1,815 | 1,862 |
| Traffic                               | 0     | 0     | 0     | 0     | 0     | 2     | 36    | 33    | 23    | 17    |
| Unknown                               | 0     | 0     | 0     | 0     | 0     | 0     | 1     | 0     | 0     | 0     |
| <i>Charge category</i>                |       |       |       |       |       |       |       |       |       |       |
| Conspiracy                            | 9     | 12    | 14    | 14    | 12    | 4     | 7     | 3     | 6     | 6     |
| Manufacture                           | 10    | 7     | 10    | 8     | 2     | 6     | 0     | 5     | 2     | 1     |
| Distribution                          | 56    | 80    | 59    | 64    | 58    | 67    | 77    | 40    | 27    | 51    |
| Possession with intent                | 99    | 93    | 73    | 43    | 40    | 47    | 40    | 43    | 54    | 49    |
| Possession                            | 1,542 | 1,455 | 1,512 | 1,455 | 1,537 | 1,389 | 1,076 | 430   | 201   | 186   |
| Public consumption                    | 61    | 85    | 88    | 49    | 71    | 73    | 71    | 31    | 8     | 16    |
| Possession under 21                   | 0     | 0     | 0     | 0     | 0     | 0     | 460   | 1,628 | 1,648 | 1,719 |
| Other                                 | 686   | 212   | 1     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| Possession-<br>consumption in vehicle | 0     | 0     | 0     | 0     | 0     | 2     | 36    | 33    | 23    | 20    |
| <b>18-20 years old</b>                |       |       |       |       |       |       |       |       |       |       |
| Total cases                           | 3,093 | 2,785 | 2,451 | 2,456 | 2,381 | 1,491 | 1,579 | 1,610 | 1,621 | 1,710 |
| Total charges                         | 4,769 | 3,659 | 2,685 | 2,622 | 2,548 | 1,627 | 1,847 | 2,048 | 2,112 | 2,280 |
| <i>Charge law class</i>               |       |       |       |       |       |       |       |       |       |       |
| Felony                                | 412   | 452   | 329   | 197   | 179   | 132   | 56    | 77    | 60    | 89    |
| Misdemeanor                           | 286   | 249   | 224   | 201   | 183   | 148   | 168   | 99    | 96    | 112   |
| Petty offense                         | 4,071 | 2,957 | 2,132 | 2,223 | 2,186 | 1,330 | 1,419 | 1,687 | 1,807 | 1,922 |
| Traffic                               | 0     | 0     | 0     | 0     | 0     | 17    | 203   | 185   | 149   | 157   |
| Unknown                               | 0     | 1     | 0     | 1     | 0     | 0     | 1     | 0     | 0     | 0     |
| <i>Charge category</i>                |       |       |       |       |       |       |       |       |       |       |
| Conspiracy                            | 14    | 36    | 38    | 19    | 11    | 6     | 5     | 9     | 11    | 13    |
| Manufacture                           | 43    | 39    | 22    | 26    | 26    | 10    | 8     | 5     | 4     | 15    |
| Distribution                          | 90    | 109   | 83    | 63    | 67    | 47    | 52    | 47    | 33    | 35    |
| Possession with intent                | 181   | 189   | 126   | 73    | 65    | 60    | 31    | 46    | 40    | 53    |
| Possession                            | 2,619 | 2,623 | 2,380 | 2,373 | 2,322 | 1,412 | 1,193 | 443   | 256   | 238   |
| Public consumption                    | 21    | 28    | 32    | 66    | 53    | 71    | 88    | 43    | 23    | 21    |
| Possession under 21                   | 0     | 0     | 0     | 0     | 0     | 3     | 266   | 1,269 | 1,595 | 1,744 |
| Other                                 | 1,801 | 636   | 4     | 1     | 3     | 1     | 1     | 1     | 1     | 2     |
| Possession-<br>consumption in vehicle | 0     | 0     | 0     | 1     | 1     | 17    | 203   | 185   | 149   | 159   |

**Appendix F, Table 16. Marijuana court filings, by age group, 2008-2017**

| Age group                             | 2008   | 2009  | 2010  | 2011  | 2012  | 2013  | 2014  | 2015  | 2016  | 2017  |
|---------------------------------------|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| <b>21 years or older</b>              |        |       |       |       |       |       |       |       |       |       |
| Total cases                           | 6,880  | 6,484 | 6,002 | 5,777 | 5,901 | 1,049 | 1,502 | 1,548 | 1,786 | 1,949 |
| Total charges                         | 10,910 | 8,594 | 7,059 | 6,850 | 6,952 | 1,601 | 1,894 | 2,250 | 2,790 | 3,074 |
| <i>Charge law class</i>               |        |       |       |       |       |       |       |       |       |       |
| Felony                                | 1,620  | 1,576 | 1,602 | 1,459 | 1,396 | 843   | 609   | 1,061 | 1,546 | 1,833 |
| Misdemeanor                           | 805    | 815   | 736   | 670   | 680   | 341   | 319   | 331   | 401   | 322   |
| Petty offense                         | 8,484  | 6,201 | 4,720 | 4,721 | 4,873 | 342   | 193   | 203   | 187   | 244   |
| Traffic                               | 0      | 0     | 0     | 0     | 0     | 75    | 772   | 653   | 655   | 675   |
| Unknown                               | 1      | 2     | 1     | 0     | 3     | 0     | 1     | 2     | 1     | 0     |
| <i>Charge category</i>                |        |       |       |       |       |       |       |       |       |       |
| Conspiracy                            | 72     | 94    | 126   | 175   | 145   | 109   | 59    | 94    | 160   | 212   |
| Manufacture                           | 266    | 284   | 432   | 426   | 439   | 143   | 133   | 311   | 554   | 619   |
| Distribution                          | 293    | 251   | 313   | 301   | 311   | 280   | 176   | 230   | 289   | 298   |
| Possession with intent                | 543    | 541   | 443   | 426   | 359   | 221   | 213   | 375   | 513   | 628   |
| Possession                            | 6,467  | 6,322 | 5,673 | 5,439 | 5,600 | 671   | 387   | 421   | 426   | 413   |
| Public consumption                    | 26     | 39    | 55    | 79    | 82    | 97    | 151   | 137   | 134   | 193   |
| Possession under 21                   | 0      | 0     | 0     | 0     | 0     | 0     | 2     | 25    | 55    | 32    |
| Other                                 | 3,243  | 1,064 | 18    | 4     | 7     | 4     | 0     | 1     | 2     | 2     |
| Possession-<br>consumption in vehicle | 0      | 0     | 0     | 0     | 9     | 76    | 773   | 656   | 657   | 677   |

Source: Colorado State Judicial Branch, analyzed by the Division of Criminal Justice.

Note: The Denver County Court, which handles misdemeanors and petty offenses in the City and County of Denver, does not report filings to the State Judicial Branch.

**Appendix F, Table 17. Marijuana court filings, by gender, 2008-2017**

|                           | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---------------------------|------|------|------|------|------|------|------|------|------|------|
| <b>Female</b>             |      |      |      |      |      |      |      |      |      |      |
| Total cases               | 1965 | 1792 | 1726 | 1719 | 1787 | 706  | 859  | 1013 | 960  | 1129 |
| Total charges             | 3020 | 2294 | 1896 | 1873 | 1936 | 803  | 989  | 1303 | 1285 | 1519 |
| <i>Charge law class</i>   |      |      |      |      |      |      |      |      |      |      |
| Felony                    | 269  | 285  | 247  | 199  | 192  | 126  | 60   | 174  | 210  | 293  |
| Misdemeanor               | 199  | 191  | 180  | 155  | 135  | 88   | 96   | 82   | 116  | 108  |
| Petty offense             | 2552 | 1816 | 1469 | 1519 | 1609 | 560  | 635  | 875  | 793  | 947  |
| Traffic                   | 0    | 0    | 0    | 0    | 0    | 29   | 198  | 172  | 166  | 171  |
| <i>Charge category</i>    |      |      |      |      |      |      |      |      |      |      |
| Conspiracy                | 10   | 29   | 20   | 17   | 16   | 22   | 8    | 16   | 31   | 35   |
| Manufacture               | 53   | 60   | 59   | 61   | 62   | 30   | 16   | 59   | 65   | 89   |
| Distribution              | 48   | 59   | 50   | 54   | 44   | 43   | 39   | 54   | 65   | 72   |
| Possession with<br>intent | 88   | 82   | 76   | 54   | 55   | 27   | 26   | 57   | 76   | 106  |
| Possession                | 1786 | 1715 | 1662 | 1640 | 1708 | 614  | 484  | 241  | 154  | 161  |
| Public consumption        | 28   | 33   | 26   | 46   | 49   | 37   | 58   | 40   | 27   | 50   |

**Appendix F, Table 17. Marijuana court filings, by gender, 2008–2017**

|                                       | 2008  | 2009  | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---------------------------------------|-------|-------|------|------|------|------|------|------|------|------|
| Possession under 21                   | 0     | 0     | 0    | 0    | 0    | 0    | 160  | 664  | 700  | 835  |
| Other                                 | 1007  | 316   | 3    | 1    | 1    | 1    | 0    | 0    | 0    | 0    |
| Possession-<br>consumption in vehicle | 0     | 0     | 0    | 0    | 1    | 29   | 198  | 172  | 167  | 171  |
| <b>Male</b>                           |       |       |      |      |      |      |      |      |      |      |
| Total cases                           | 9748  | 9085  | 8348 | 8048 | 8114 | 3315 | 3724 | 3888 | 3933 | 4125 |
| Total charges                         | 15099 | 11898 | 9580 | 9216 | 9276 | 4001 | 4482 | 5181 | 5576 | 5868 |
| <i>Charge law class</i>               |       |       |      |      |      |      |      |      |      |      |
| Felony                                | 1957  | 1957  | 1845 | 1580 | 1502 | 953  | 630  | 986  | 1423 | 1645 |
| Misdemeanor                           | 999   | 968   | 873  | 785  | 790  | 502  | 591  | 490  | 479  | 474  |
| Petty offense                         | 12142 | 8968  | 6860 | 6848 | 6981 | 2481 | 2468 | 3010 | 3018 | 3072 |
| Traffic                               | 0     | 0     | 0    | 0    | 0    | 65   | 790  | 693  | 655  | 677  |
| Unknown                               | 1     | 3     | 1    | 1    | 3    | 0    | 3    | 2    | 1    | 0    |
| <i>Charge category</i>                |       |       |      |      |      |      |      |      |      |      |
| Conspiracy                            | 85    | 113   | 156  | 191  | 152  | 97   | 63   | 90   | 146  | 195  |
| Manufacture                           | 264   | 270   | 404  | 395  | 403  | 129  | 125  | 260  | 495  | 545  |
| Distribution                          | 389   | 381   | 400  | 374  | 391  | 351  | 261  | 263  | 281  | 311  |
| Possession with<br>intent             | 731   | 740   | 566  | 488  | 408  | 301  | 258  | 407  | 529  | 623  |
| Possession                            | 8829  | 8679  | 7885 | 7615 | 7748 | 2847 | 2165 | 1047 | 728  | 674  |
| Public consumption                    | 80    | 119   | 149  | 148  | 156  | 203  | 253  | 172  | 138  | 180  |
| Possession under 21                   | 0     | 0     | 0    | 0    | 0    | 3    | 565  | 2244 | 2600 | 2652 |
| Other                                 | 4721  | 1596  | 20   | 4    | 9    | 4    | 1    | 2    | 3    | 4    |
| Possession-<br>consumption in vehicle | 0     | 0     | 0    | 1    | 9    | 66   | 791  | 696  | 656  | 684  |

Source: Colorado State Judicial Branch, analyzed by the Division of Criminal Justice.

Note: The Denver County Court, which handles misdemeanors and petty offenses in the City and County of Denver, does not report filings to the State Judicial Branch. Felony filings from Denver District Court are included in these data.

**Appendix F, Table 18. Marijuana court filings, by judicial district and charge category, 2008–2017**

| Judicial District | Charge category                   | 2008  | 2009  | 2010  | 2011  | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------|-----------------------------------|-------|-------|-------|-------|-------|------|------|------|------|------|
| 1                 | Total cases                       | 1,355 | 1,194 | 1,238 | 1,255 | 1,094 | 434  | 598  | 478  | 491  | 543  |
|                   | Total charges                     | 603   | 502   | 410   | 267   | 319   | 304  | 241  | 488  | 423  | 668  |
|                   | Conspiracy                        | 7     | 14    | 53    | 114   | 46    | 30   | 18   | 1    | 9    | 14   |
|                   | Manufacture                       | 39    | 41    | 80    | 50    | 34    | 58   | 7    | 13   | 32   | 29   |
|                   | Distribution                      | 39    | 34    | 80    | 98    | 57    | 77   | 47   | 34   | 23   | 22   |
|                   | Possession with intent            | 90    | 91    | 106   | 127   | 45    | 26   | 25   | 40   | 46   | 43   |
|                   | Possession                        | 1,303 | 1,158 | 1,173 | 1,162 | 1,065 | 378  | 317  | 136  | 86   | 70   |
|                   | Public consumption                | 4     | 12    | 14    | 18    | 15    | 5    | 11   | 5    | 10   | 10   |
|                   | Possession under 21               | 0     | 0     | 0     | 0     | 0     | 0    | 127  | 308  | 411  | 499  |
|                   | Other                             | 680   | 238   | 6     | 0     | 0     | 1    | 1    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0     | 0     | 3    | 179  | 76   | 56   | 64   |
| 2                 | Total cases                       | 333   | 261   | 219   | 143   | 163   | 117  | 113  | 139  | 167  | 225  |
|                   | Total charges                     | 2,162 | 1,588 | 1,512 | 1,569 | 1,262 | 578  | 732  | 613  | 673  | 751  |
|                   | Conspiracy                        | 23    | 18    | 17    | 6     | 11    | 43   | 23   | 70   | 33   | 90   |
|                   | Manufacture                       | 36    | 22    | 20    | 33    | 31    | 16   | 34   | 149  | 117  | 200  |
|                   | Distribution                      | 99    | 86    | 81    | 56    | 77    | 74   | 26   | 77   | 59   | 118  |
|                   | Possession with intent            | 184   | 162   | 147   | 87    | 89    | 93   | 71   | 137  | 146  | 182  |
|                   | Possession                        | 259   | 213   | 145   | 85    | 110   | 77   | 87   | 50   | 67   | 70   |
|                   | Public consumption                | 1     | 0     | 0     | 0     | 1     | 1    | 0    | 0    | 0    | 2    |
|                   | Possession under 21               | 0     | 0     | 0     | 0     | 0     | 0    | 0    | 5    | 1    | 6    |
|                   | Other                             | 1     | 1     | 0     | 0     | 0     | 0    | 0    | 0    | 0    | 0    |
| 3                 | Total cases                       | 86    | 108   | 117   | 122   | 114   | 49   | 43   | 42   | 51   | 78   |
|                   | Total charges                     | 120   | 123   | 117   | 123   | 133   | 62   | 48   | 55   | 69   | 124  |
|                   | Conspiracy                        | 0     | 0     | 0     | 0     | 0     | 0    | 0    | 2    | 0    | 0    |
|                   | Manufacture                       | 3     | 0     | 6     | 2     | 15    | 1    | 2    | 4    | 10   | 27   |
|                   | Distribution                      | 0     | 0     | 0     | 0     | 1     | 10   | 0    | 10   | 4    | 0    |
|                   | Possession with intent            | 2     | 3     | 0     | 1     | 8     | 1    | 3    | 3    | 9    | 26   |
|                   | Possession                        | 72    | 106   | 111   | 118   | 96    | 37   | 13   | 9    | 8    | 13   |
|                   | Public consumption                | 0     | 0     | 0     | 1     | 6     | 7    | 0    | 2    | 2    | 0    |
|                   | Possession under 21               | 0     | 0     | 0     | 0     | 0     | 0    | 5    | 17   | 22   | 44   |
|                   | Other                             | 43    | 14    | 0     | 1     | 7     | 1    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0     | 0     | 5    | 25   | 8    | 14   | 14   |
| 4                 | Total cases                       | 1651  | 1346  | 1288  | 1045  | 962   | 424  | 646  | 625  | 534  | 616  |
|                   | Total charges                     | 2,372 | 1,657 | 1,414 | 1,145 | 1,091 | 477  | 736  | 751  | 657  | 813  |
|                   | Conspiracy                        | 8     | 8     | 26    | 6     | 17    | 11   | 6    | 1    | 12   | 14   |
|                   | Manufacture                       | 34    | 35    | 62    | 84    | 89    | 6    | 12   | 15   | 27   | 56   |
|                   | Distribution                      | 63    | 62    | 44    | 29    | 42    | 42   | 25   | 12   | 19   | 45   |
|                   | Possession with intent            | 64    | 63    | 51    | 58    | 56    | 19   | 15   | 17   | 45   | 84   |
|                   |                                   |       |       |       |       |       |      |      |      |      |      |

**Appendix F, Table 18. Marijuana court filings, by judicial district and charge category, 2008–2017**

| Judicial District | Charge category                   | 2008  | 2009  | 2010  | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------|-----------------------------------|-------|-------|-------|------|------|------|------|------|------|------|
|                   | Possession                        | 1,498 | 1,260 | 1,213 | 948  | 864  | 349  | 276  | 122  | 103  | 80   |
|                   | Public consumption                | 3     | 6     | 16    | 19   | 18   | 17   | 104  | 37   | 34   | 25   |
|                   | Possession under 21               | 0     | 0     | 0     | 0    | 0    | 0    | 133  | 399  | 267  | 352  |
|                   | Other                             | 702   | 223   | 2     | 1    | 1    | 0    | 0    | 0    | 1    | 0    |
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0    | 4    | 33   | 165  | 148  | 149  | 157  |
| 5                 | Total cases                       | 589   | 466   | 405   | 371  | 551  | 167  | 224  | 241  | 221  | 209  |
|                   | Total charges                     | 979   | 644   | 454   | 408  | 593  | 190  | 258  | 315  | 289  | 261  |
|                   | Conspiracy                        | 2     | 3     | 4     | 2    | 2    | 3    | 1    | 1    | 1    | 1    |
|                   | Manufacture                       | 6     | 4     | 9     | 5    | 20   | 1    | 17   | 12   | 5    | 4    |
|                   | Distribution                      | 9     | 23    | 7     | 12   | 9    | 11   | 5    | 12   | 11   | 11   |
|                   | Possession with intent            | 7     | 16    | 9     | 9    | 2    | 15   | 2    | 8    | 12   | 3    |
|                   | Possession                        | 549   | 471   | 422   | 371  | 549  | 143  | 112  | 60   | 28   | 17   |
|                   | Public consumption                | 1     | 2     | 3     | 9    | 11   | 15   | 25   | 16   | 6    | 2    |
|                   | Possession under 21               | 0     | 0     | 0     | 0    | 0    | 0    | 21   | 119  | 142  | 134  |
|                   | Other                             | 405   | 125   | 0     | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0    | 0    | 2    | 75   | 87   | 84   | 89   |
| 6                 | Total cases                       | 132   | 114   | 114   | 149  | 98   | 16   | 32   | 37   | 42   | 37   |
|                   | Total charges                     | 201   | 150   | 122   | 152  | 105  | 16   | 34   | 47   | 51   | 45   |
|                   | Conspiracy                        | 2     | 0     | 1     | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|                   | Manufacture                       | 2     | 1     | 3     | 0    | 1    | 0    | 0    | 0    | 0    | 0    |
|                   | Distribution                      | 2     | 4     | 4     | 0    | 8    | 0    | 1    | 4    | 2    | 1    |
|                   | Possession with intent            | 8     | 4     | 3     | 2    | 5    | 0    | 0    | 3    | 0    | 4    |
|                   | Possession                        | 121   | 109   | 108   | 150  | 89   | 16   | 11   | 8    | 2    | 1    |
|                   | Public consumption                | 0     | 2     | 2     | 0    | 2    | 0    | 0    | 4    | 1    | 2    |
|                   | Possession under 21               | 0     | 0     | 0     | 0    | 0    | 0    | 7    | 9    | 21   | 27   |
|                   | Other                             | 66    | 30    | 1     | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0    | 0    | 0    | 15   | 19   | 25   | 10   |
| 7                 | Total cases                       | 327   | 283   | 299   | 282  | 245  | 104  | 135  | 139  | 215  | 190  |
|                   | Total charges                     | 477   | 351   | 313   | 293  | 264  | 108  | 164  | 167  | 250  | 226  |
|                   | Conspiracy                        | 1     | 5     | 1     | 0    | 0    | 1    | 0    | 0    | 0    | 0    |
|                   | Manufacture                       | 6     | 10    | 9     | 6    | 5    | 4    | 4    | 7    | 14   | 3    |
|                   | Distribution                      | 2     | 6     | 4     | 0    | 4    | 3    | 4    | 2    | 6    | 2    |
|                   | Possession with intent            | 7     | 5     | 8     | 3    | 4    | 0    | 3    | 3    | 8    | 3    |
|                   | Possession                        | 295   | 280   | 283   | 283  | 249  | 89   | 60   | 19   | 19   | 36   |
|                   | Public consumption                | 4     | 3     | 8     | 1    | 1    | 10   | 12   | 5    | 7    | 6    |
|                   | Possession under 21               | 0     | 0     | 0     | 0    | 0    | 0    | 22   | 78   | 131  | 134  |
|                   | Other                             | 162   | 42    | 0     | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0    | 1    | 1    | 59   | 53   | 65   | 42   |

**Appendix F, Table 18. Marijuana court filings, by judicial district and charge category, 2008–2017**

| Judicial District | Charge category                   | 2008  | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------|-----------------------------------|-------|------|------|------|------|------|------|------|------|------|
| 8                 | Total cases                       | 950   | 740  | 786  | 832  | 903  | 436  | 399  | 425  | 400  | 365  |
|                   | Total charges                     | 1,442 | 925  | 862  | 905  | 956  | 479  | 420  | 510  | 492  | 433  |
|                   | Conspiracy                        | 2     | 1    | 6    | 7    | 7    | 10   | 0    | 2    | 5    | 2    |
|                   | Manufacture                       | 40    | 16   | 36   | 30   | 20   | 14   | 2    | 14   | 19   | 8    |
|                   | Distribution                      | 23    | 31   | 14   | 22   | 7    | 26   | 14   | 10   | 17   | 7    |
|                   | Possession with intent            | 40    | 34   | 37   | 27   | 28   | 10   | 8    | 26   | 21   | 17   |
|                   | Possession                        | 735   | 652  | 748  | 802  | 856  | 355  | 268  | 97   | 72   | 51   |
|                   | Public consumption                | 26    | 27   | 19   | 17   | 37   | 55   | 45   | 36   | 29   | 25   |
|                   | Possession under 21               | 0     | 0    | 0    | 0    | 0    | 0    | 56   | 293  | 304  | 295  |
|                   | Other                             | 576   | 164  | 2    | 0    | 1    | 0    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0     | 0    | 0    | 0    | 0    | 9    | 27   | 32   | 25   | 28   |
| 9                 | Total cases                       | 277   | 302  | 248  | 236  | 280  | 97   | 131  | 159  | 157  | 138  |
|                   | Total charges                     | 484   | 387  | 281  | 269  | 312  | 107  | 156  | 201  | 192  | 175  |
|                   | Conspiracy                        | 1     | 0    | 5    | 4    | 0    | 0    | 0    | 2    | 0    | 0    |
|                   | Manufacture                       | 8     | 4    | 3    | 9    | 3    | 0    | 0    | 2    | 4    | 0    |
|                   | Distribution                      | 7     | 11   | 21   | 21   | 20   | 10   | 11   | 12   | 3    | 7    |
|                   | Possession with intent            | 18    | 13   | 9    | 10   | 10   | 9    | 2    | 3    | 4    | 9    |
|                   | Possession                        | 261   | 295  | 242  | 221  | 272  | 85   | 76   | 25   | 10   | 9    |
|                   | Public consumption                | 3     | 2    | 0    | 4    | 7    | 1    | 12   | 5    | 3    | 2    |
|                   | Possession under 21               | 0     | 0    | 0    | 0    | 0    | 0    | 20   | 93   | 115  | 100  |
|                   | Other                             | 186   | 62   | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 1    |
|                   | Possession-consumption in vehicle | 0     | 0    | 0    | 0    | 0    | 2    | 35   | 59   | 53   | 47   |
| 10                | Total cases                       | 235   | 283  | 247  | 201  | 191  | 75   | 110  | 114  | 143  | 134  |
|                   | Total charges                     | 334   | 349  | 283  | 214  | 214  | 92   | 119  | 147  | 215  | 180  |
|                   | Conspiracy                        | 5     | 1    | 0    | 1    | 1    | 0    | 0    | 1    | 13   | 13   |
|                   | Manufacture                       | 7     | 5    | 8    | 8    | 7    | 9    | 1    | 3    | 63   | 32   |
|                   | Distribution                      | 2     | 2    | 15   | 4    | 15   | 4    | 3    | 15   | 8    | 8    |
|                   | Possession with intent            | 22    | 26   | 7    | 4    | 5    | 4    | 7    | 25   | 40   | 28   |
|                   | Possession                        | 233   | 277  | 252  | 196  | 182  | 62   | 47   | 55   | 30   | 23   |
|                   | Public consumption                | 1     | 1    | 1    | 1    | 3    | 2    | 2    | 5    | 0    | 3    |
|                   | Possession under 21               | 0     | 0    | 0    | 0    | 0    | 0    | 2    | 25   | 35   | 61   |
|                   | Other                             | 64    | 37   | 0    | 0    | 0    | 2    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0     | 0    | 0    | 0    | 1    | 9    | 57   | 18   | 26   | 12   |
| 11                | Total cases                       | 340   | 303  | 177  | 183  | 208  | 62   | 116  | 115  | 107  | 98   |
|                   | Total charges                     | 531   | 380  | 194  | 209  | 222  | 67   | 133  | 138  | 127  | 121  |
|                   | Conspiracy                        | 8     | 0    | 0    | 0    | 1    | 0    | 1    | 2    | 0    | 0    |
|                   | Manufacture                       | 9     | 7    | 3    | 9    | 5    | 1    | 3    | 12   | 14   | 7    |
|                   | Distribution                      | 1     | 8    | 10   | 8    | 4    | 2    | 5    | 7    | 2    | 7    |

**Appendix F, Table 18. Marijuana court filings, by judicial district and charge category, 2008–2017**

| Judicial District | Charge category                   | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------|-----------------------------------|------|------|------|------|------|------|------|------|------|------|
|                   | Possession with intent            | 5    | 11   | 5    | 9    | 3    | 0    | 4    | 1    | 3    | 5    |
|                   | Possession                        | 324  | 295  | 175  | 178  | 201  | 57   | 57   | 20   | 12   | 5    |
|                   | Public consumption                | 2    | 4    | 1    | 5    | 8    | 6    | 8    | 1    | 15   | 1    |
|                   | Possession under 21               | 0    | 0    | 0    | 0    | 0    | 0    | 18   | 78   | 56   | 66   |
|                   | Other                             | 182  | 55   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0    | 0    | 0    | 0    | 0    | 1    | 37   | 17   | 25   | 30   |
| 12                | Total cases                       | 226  | 300  | 177  | 131  | 108  | 27   | 54   | 76   | 67   | 65   |
|                   | Total charges                     | 353  | 373  | 180  | 142  | 112  | 29   | 61   | 103  | 89   | 97   |
|                   | Conspiracy                        | 1    | 3    | 0    | 2    | 1    | 0    | 0    | 4    | 4    | 6    |
|                   | Manufacture                       | 1    | 2    | 0    | 2    | 1    | 2    | 0    | 3    | 3    | 22   |
|                   | Distribution                      | 16   | 7    | 0    | 4    | 1    | 0    | 3    | 8    | 2    | 2    |
|                   | Possession with intent            | 1    | 5    | 2    | 1    | 2    | 1    | 6    | 1    | 9    | 8    |
|                   | Possession                        | 212  | 293  | 177  | 132  | 107  | 23   | 26   | 37   | 18   | 10   |
|                   | Public consumption                | 3    | 1    | 1    | 1    | 0    | 0    | 1    | 2    | 1    | 0    |
|                   | Possession under 21               | 0    | 0    | 0    | 0    | 0    | 0    | 3    | 31   | 44   | 36   |
|                   | Other                             | 119  | 62   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0    | 0    | 0    | 0    | 0    | 3    | 22   | 17   | 8    | 13   |
| 13                | Total cases                       | 254  | 280  | 232  | 206  | 206  | 78   | 105  | 133  | 128  | 131  |
|                   | Total charges                     | 400  | 358  | 268  | 255  | 229  | 95   | 124  | 165  | 173  | 168  |
|                   | Conspiracy                        | 1    | 5    | 2    | 4    | 0    | 2    | 1    | 0    | 0    | 3    |
|                   | Manufacture                       | 3    | 0    | 1    | 2    | 5    | 0    | 0    | 3    | 3    | 9    |
|                   | Distribution                      | 4    | 3    | 3    | 5    | 1    | 3    | 5    | 7    | 5    | 8    |
|                   | Possession with intent            | 6    | 18   | 19   | 23   | 10   | 12   | 4    | 12   | 8    | 8    |
|                   | Possession                        | 242  | 284  | 241  | 213  | 208  | 78   | 59   | 59   | 45   | 52   |
|                   | Public consumption                | 2    | 2    | 2    | 8    | 2    | 0    | 2    | 1    | 0    | 1    |
|                   | Possession under 21               | 0    | 0    | 0    | 0    | 0    | 0    | 18   | 41   | 76   | 56   |
|                   | Other                             | 142  | 46   | 0    | 0    | 1    | 0    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0    | 0    | 0    | 0    | 2    | 0    | 35   | 42   | 36   | 31   |
| 14                | Total cases                       | 282  | 324  | 293  | 298  | 299  | 94   | 104  | 141  | 133  | 130  |
|                   | Total charges                     | 461  | 434  | 306  | 315  | 315  | 104  | 129  | 188  | 195  | 175  |
|                   | Conspiracy                        | 2    | 11   | 0    | 0    | 0    | 0    | 1    | 0    | 0    | 2    |
|                   | Manufacture                       | 4    | 12   | 3    | 4    | 6    | 3    | 0    | 1    | 1    | 0    |
|                   | Distribution                      | 13   | 10   | 4    | 4    | 2    | 2    | 4    | 6    | 12   | 11   |
|                   | Possession with intent            | 10   | 15   | 5    | 7    | 3    | 7    | 3    | 2    | 5    | 4    |
|                   | Possession                        | 255  | 329  | 292  | 298  | 298  | 84   | 32   | 12   | 7    | 3    |
|                   | Public consumption                | 5    | 0    | 2    | 2    | 6    | 3    | 1    | 5    | 4    | 0    |
|                   | Possession under 21               | 0    | 0    | 0    | 0    | 0    | 0    | 70   | 145  | 154  | 131  |
|                   | Other                             | 172  | 57   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |



**Appendix F, Table 18. Marijuana court filings, by judicial district and charge category, 2008–2017**

| Judicial District | Charge category                   | 2008  | 2009  | 2010  | 2011  | 2012  | 2013 | 2014 | 2015 | 2016  | 2017  |
|-------------------|-----------------------------------|-------|-------|-------|-------|-------|------|------|------|-------|-------|
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0     | 0     | 5    | 18   | 17   | 12    | 24    |
| 15                | Total cases                       | 90    | 103   | 79    | 61    | 86    | 33   | 33   | 52   | 37    | 27    |
|                   | Total charges                     | 150   | 135   | 86    | 68    | 88    | 43   | 42   | 63   | 43    | 31    |
|                   | Conspiracy                        | 0     | 0     | 0     | 0     | 0     | 2    | 0    | 0    | 0     | 0     |
|                   | Manufacture                       | 0     | 2     | 2     | 4     | 0     | 0    | 2    | 3    | 0     | 2     |
|                   | Distribution                      | 6     | 1     | 3     | 0     | 0     | 4    | 5    | 7    | 6     | 3     |
|                   | Possession with intent            | 6     | 4     | 5     | 8     | 3     | 8    | 1    | 7    | 4     | 2     |
|                   | Possession                        | 87    | 99    | 75    | 56    | 85    | 29   | 19   | 6    | 5     | 4     |
|                   | Possession under 21               | 0     | 0     | 0     | 0     | 0     | 0    | 3    | 32   | 16    | 13    |
|                   | Other                             | 51    | 29    | 1     | 0     | 0     | 0    | 0    | 0    | 0     | 0     |
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0     | 0     | 0    | 12   | 8    | 12    | 7     |
| 16                | Total cases                       | 63    | 73    | 40    | 52    | 57    | 12   | 30   | 53   | 26    | 50    |
|                   | Total charges                     | 97    | 95    | 40    | 56    | 57    | 12   | 33   | 62   | 38    | 60    |
|                   | Conspiracy                        | 0     | 0     | 0     | 0     | 0     | 0    | 1    | 0    | 8     | 0     |
|                   | Manufacture                       | 3     | 2     | 0     | 2     | 1     | 0    | 0    | 0    | 0     | 4     |
|                   | Distribution                      | 15    | 0     | 0     | 1     | 1     | 0    | 1    | 1    | 9     | 0     |
|                   | Possession with intent            | 5     | 5     | 2     | 2     | 0     | 0    | 0    | 0    | 1     | 8     |
|                   | Possession                        | 51    | 68    | 38    | 51    | 55    | 10   | 10   | 7    | 3     | 5     |
|                   | Public consumption                | 0     | 2     | 0     | 0     | 0     | 2    | 0    | 0    | 0     | 0     |
|                   | Possession under 21               | 0     | 0     | 0     | 0     | 0     | 0    | 13   | 46   | 12    | 32    |
|                   | Other                             | 23    | 18    | 0     | 0     | 0     | 0    | 0    | 0    | 0     | 0     |
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0     | 0     | 0    | 8    | 8    | 5     | 11    |
| 17                | Total cases                       | 975   | 985   | 1106  | 1175  | 1263  | 391  | 346  | 314  | 296   | 289   |
|                   | Total charges                     | 1,500 | 1,272 | 1,285 | 1,367 | 1,569 | 454  | 401  | 369  | 389   | 359   |
|                   | Conspiracy                        | 7     | 22    | 33    | 14    | 34    | 0    | 6    | 2    | 6     | 1     |
|                   | Manufacture                       | 28    | 49    | 105   | 124   | 170   | 16   | 17   | 6    | 30    | 30    |
|                   | Distribution                      | 27    | 37    | 32    | 52    | 70    | 38   | 30   | 14   | 17    | 25    |
|                   | Possession with intent            | 71    | 74    | 77    | 58    | 74    | 33   | 22   | 28   | 44    | 45    |
|                   | Possession                        | 936   | 958   | 1,036 | 1,112 | 1,215 | 353  | 232  | 143  | 97    | 99    |
|                   | Public consumption                | 7     | 3     | 1     | 6     | 6     | 9    | 15   | 18   | 10    | 10    |
|                   | Possession under 21               | 0     | 0     | 0     | 0     | 0     | 0    | 15   | 106  | 139   | 101   |
|                   | Other                             | 424   | 129   | 1     | 1     | 0     | 0    | 0    | 0    | 0     | 0     |
|                   | Possession-consumption in vehicle | 0     | 0     | 0     | 0     | 0     | 5    | 64   | 52   | 46    | 48    |
| 18                | Total cases                       | 1243  | 1233  | 1105  | 1095  | 1142  | 574  | 549  | 731  | 787   | 850   |
|                   | Total charges                     | 1,839 | 1,554 | 1,252 | 1,199 | 1,270 | 650  | 675  | 978  | 1,280 | 1,308 |
|                   | Conspiracy                        | 10    | 36    | 15    | 20    | 38    | 10   | 10   | 16   | 68    | 67    |
|                   | Manufacture                       | 28    | 69    | 82    | 47    | 23    | 15   | 28   | 45   | 152   | 128   |
|                   | Distribution                      | 24    | 48    | 55    | 41    | 57    | 43   | 26   | 44   | 82    | 62    |

**Appendix F, Table 18. Marijuana court filings, by judicial district and charge category, 2008–2017**

| Judicial District | Charge category                   | 2008  | 2009  | 2010 | 2011  | 2012  | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------|-----------------------------------|-------|-------|------|-------|-------|------|------|------|------|------|
|                   | Possession with intent            | 143   | 118   | 68   | 35    | 59    | 34   | 45   | 65   | 121  | 119  |
|                   | Possession                        | 1,130 | 1,128 | 991  | 1,003 | 1,054 | 523  | 402  | 188  | 124  | 132  |
|                   | Public consumption                | 14    | 23    | 34   | 50    | 39    | 19   | 32   | 16   | 10   | 5    |
|                   | Possession under 21               | 0     | 0     | 0    | 0     | 0     | 2    | 70   | 509  | 657  | 687  |
|                   | Other                             | 490   | 132   | 7    | 2     | 0     | 0    | 0    | 0    | 0    | 1    |
|                   | Possession-consumption in vehicle | 0     | 0     | 0    | 1     | 0     | 4    | 62   | 95   | 66   | 107  |
| 19                | Total cases                       | 552   | 597   | 570  | 500   | 517   | 346  | 385  | 352  | 330  | 352  |
|                   | Total charges                     | 778   | 725   | 616  | 526   | 562   | 377  | 436  | 462  | 471  | 493  |
|                   | Conspiracy                        | 7     | 4     | 4    | 3     | 3     | 0    | 1    | 0    | 0    | 11   |
|                   | Manufacture                       | 6     | 6     | 12   | 3     | 11    | 8    | 1    | 5    | 25   | 28   |
|                   | Distribution                      | 25    | 24    | 19   | 12    | 14    | 9    | 21   | 8    | 9    | 15   |
|                   | Possession with intent            | 16    | 32    | 29   | 14    | 14    | 19   | 22   | 37   | 30   | 39   |
|                   | Possession                        | 509   | 565   | 535  | 487   | 512   | 326  | 269  | 112  | 69   | 49   |
|                   | Public consumption                | 10    | 17    | 17   | 7     | 6     | 8    | 9    | 8    | 3    | 4    |
|                   | Possession under 21               | 0     | 0     | 0    | 0     | 0     | 1    | 66   | 256  | 306  | 318  |
|                   | Other                             | 205   | 77    | 0    | 0     | 0     | 0    | 0    | 0    | 1    | 0    |
|                   | Possession-consumption in vehicle | 0     | 0     | 0    | 0     | 2     | 6    | 47   | 36   | 28   | 29   |
| 20                | Total cases                       | 941   | 839   | 711  | 812   | 807   | 280  | 165  | 264  | 289  | 303  |
|                   | Total charges                     | 1,533 | 1,222 | 815  | 923   | 871   | 323  | 215  | 326  | 384  | 398  |
|                   | Conspiracy                        | 8     | 11    | 7    | 14    | 4     | 4    | 2    | 2    | 3    | 2    |
|                   | Manufacture                       | 50    | 30    | 11   | 13    | 9     | 2    | 0    | 11   | 10   | 24   |
|                   | Distribution                      | 47    | 30    | 40   | 29    | 20    | 24   | 54   | 15   | 21   | 17   |
|                   | Possession with intent            | 76    | 78    | 23   | 28    | 14    | 10   | 11   | 13   | 11   | 26   |
|                   | Possession                        | 784   | 838   | 721  | 804   | 792   | 212  | 94   | 56   | 39   | 39   |
|                   | Public consumption                | 4     | 13    | 12   | 35    | 32    | 67   | 13   | 17   | 12   | 18   |
|                   | Possession under 21               | 0     | 0     | 0    | 0     | 0     | 0    | 18   | 174  | 222  | 199  |
|                   | Other                             | 564   | 222   | 1    | 0     | 0     | 1    | 0    | 2    | 0    | 1    |
|                   | Possession-consumption in vehicle | 0     | 0     | 0    | 0     | 0     | 3    | 23   | 36   | 66   | 72   |
| 21                | Total cases                       | 768   | 715   | 592  | 554   | 519   | 201  | 255  | 272  | 219  | 391  |
|                   | Total charges                     | 1,240 | 930   | 642  | 629   | 583   | 254  | 306  | 356  | 308  | 509  |
|                   | Conspiracy                        | 1     | 0     | 4    | 11    | 3     | 10   | 0    | 6    | 16   | 12   |
|                   | Manufacture                       | 5     | 13    | 8    | 23    | 11    | 11   | 11   | 21   | 35   | 34   |
|                   | Distribution                      | 9     | 6     | 18   | 29    | 28    | 19   | 14   | 14   | 28   | 20   |
|                   | Possession with intent            | 34    | 41    | 30   | 34    | 30    | 27   | 27   | 36   | 35   | 76   |
|                   | Possession                        | 718   | 689   | 539  | 522   | 505   | 170  | 170  | 68   | 30   | 62   |
|                   | Public consumption                | 18    | 31    | 42   | 10    | 6     | 13   | 19   | 28   | 17   | 115  |
|                   | Possession under 21               | 0     | 0     | 0    | 0     | 0     | 0    | 28   | 145  | 123  | 173  |
|                   | Other                             | 455   | 150   | 1    | 0     | 0     | 0    | 0    | 0    | 1    | 1    |

**Appendix F, Table 18. Marijuana court filings, by judicial district and charge category, 2008–2017**

| Judicial District | Charge category                   | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------|-----------------------------------|------|------|------|------|------|------|------|------|------|------|
|                   | Possession-consumption in vehicle | 0    | 0    | 0    | 0    | 0    | 4    | 37   | 38   | 23   | 16   |
| 22                | Total cases                       | 84   | 53   | 65   | 88   | 110  | 24   | 46   | 32   | 73   | 67   |
|                   | Total charges                     | 127  | 68   | 66   | 89   | 111  | 24   | 52   | 40   | 83   | 82   |
|                   | Conspiracy                        | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 1    | 5    |
|                   | Manufacture                       | 2    | 1    | 1    | 0    | 0    | 2    | 0    | 0    | 0    | 14   |
|                   | Distribution                      | 7    | 7    | 1    | 1    | 0    | 0    | 1    | 4    | 6    | 7    |
|                   | Possession with intent            | 8    | 5    | 1    | 0    | 0    | 0    | 3    | 3    | 7    | 6    |
|                   | Possession                        | 77   | 50   | 63   | 87   | 111  | 21   | 22   | 6    | 9    | 7    |
|                   | Public consumption                | 0    | 1    | 0    | 1    | 0    | 1    | 0    | 1    | 2    | 0    |
|                   | Possession under 21               | 0    | 0    | 0    | 0    | 0    | 0    | 16   | 18   | 52   | 38   |
|                   | Other                             | 33   | 4    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
|                   | Possession-consumption in vehicle | 0    | 0    | 0    | 0    | 0    | 0    | 10   | 8    | 6    | 5    |

Source: Colorado State Judicial Branch, analyzed by the Division of Criminal Justice.

Note: The Denver County Court, which handles misdemeanors and petty offenses in the City and County of Denver, does not report filings to the State Judicial Branch. Felony filings from Denver District Court are included in these data.

**APPENDIX G:**  
**CERTIFIED DRUG RECOGNITION EXPERTS, BY AGENCY**

**Appendix G, Table 19. Certified drug recognition experts, by agency, June 2018**

| Agency                               | N certified |
|--------------------------------------|-------------|
| Adams County Sheriff's Office        | 1           |
| Alamosa Police Department            | 1           |
| Arapahoe County Sheriff's Office     | 3           |
| Arvada Police Department             | 2           |
| Auraria Police Department            | 1           |
| Aurora Police Department             | 7           |
| Avon Police Department               | 1           |
| Basalt Police Department             | 1           |
| Black Hawk Police Department         | 1           |
| Boulder County Sheriff's Office      | 1           |
| Boulder Police Department            | 1           |
| Breckenridge Police Department       | 1           |
| Brighton Police Department           | 1           |
| Broomfield Police Department         | 1           |
| Buena Vista Police Department        | 1           |
| Canon City Police Department         | 1           |
| Carbondale Police Department         | 1           |
| Castle Rock Police Department        | 1           |
| Clear Creek County Sheriff's Office  | 1           |
| Colorado Mental Health Institute     | 1           |
| Colorado Springs Police Department   | 6           |
| Colorado State Patrol                | 61          |
| Colorado State University Police     | 1           |
| Commerce City Police Department      | 2           |
| Denver Police Department             | 27          |
| Douglas County Sheriff's Office      | 2           |
| Eagle County Sheriff's Office        | 2           |
| El Paso County Sheriff's Office      | 1           |
| Elbert County Sheriff's Office       | 1           |
| Englewood Police Department          | 2           |
| Fort Collins Police Services         | 2           |
| Fort Lupton Police Department        | 1           |
| Fountain Police Department           | 4           |
| Fraser Winter Park Police Department | 1           |
| Frederick Police Department          | 1           |
| Fremont County Sheriff's Office      | 1           |
| Garfield County Sheriff's Office     | 2           |
| Gilpin County Sheriff's Office       | 1           |
| Glenwood Springs Police Department   | 2           |
| Grand Junction Police Department     | 2           |

**Appendix G, Table 19. Certified drug recognition experts, by agency, June 2018**

| Agency                                             | N certified |
|----------------------------------------------------|-------------|
| Greeley Police Department                          | 2           |
| Greenwood Village Police Department                | 1           |
| Gunnison County Sherriff's Office                  | 1           |
| Gunnison Police Department                         | 1           |
| Jefferson County Sheriff's Office                  | 1           |
| Lafayette Police Department                        | 3           |
| Lakewood Police Department                         | 2           |
| Larimer County Sheriff's Office                    | 1           |
| Logan County Sheriff's Office                      | 1           |
| Longmont Police Department                         | 5           |
| Loveland Police Department                         | 5           |
| Montezuma County Sheriff's Office                  | 1           |
| Montrose Police Department                         | 1           |
| Northglenn Police Department                       | 2           |
| Oak Creek Police Department                        | 1           |
| Pagosa Springs Police Department                   | 1           |
| Parachute Police Department                        | 1           |
| Park County Sheriff's Office                       | 1           |
| Parker Police Department                           | 4           |
| Pitkin County Sheriff's Office                     | 1           |
| Pueblo County Sheriff's Office                     | 3           |
| Pueblo Police Department                           | 2           |
| Rangely Police Department                          | 1           |
| Rifle Police Department                            | 1           |
| Salida Police Department                           | 1           |
| San Miguel County Sheriff's Office                 | 1           |
| Steamboat Springs Police Department                | 2           |
| Sterling Police Department                         | 1           |
| Telluride Marshal's Office                         | 1           |
| Thornton Police Department                         | 6           |
| U.S. Air Force Academy 10 Security Forces Squadron | 1           |
| Vail Police Department                             | 2           |
| Weld County Sheriff's Office                       | 1           |
| Westminster Police Department                      | 2           |
| Wheat Ridge Police Department                      | 1           |
| Woodland Park Police Department                    | 1           |
| Grand Total                                        | 214         |

Source: Colorado Department of Transportation, Drug Recognition Experts Program.

**APPENDIX H:**  
**MARIJUANA BUSINESS LICENSEES, BY COUNTY**

**Appendix H, Table 20. Licensed retail marijuana businesses, by license type and county, May 2018**

| County       | Retail grow | Retail MIP | Retail operator | Retail store | Retail testing facility | Retail transporter | Total retail |
|--------------|-------------|------------|-----------------|--------------|-------------------------|--------------------|--------------|
| Adams        | 19          | 21         | 2               | 24           | 1                       |                    | 67           |
| Alamosa      |             |            |                 |              |                         |                    | 0            |
| Arapahoe     | 14          | 10         | 1               | 30           |                         |                    | 55           |
| Archuleta    | 7           |            |                 | 5            |                         |                    | 12           |
| Boulder      | 60          | 25         |                 | 54           | 1                       |                    | 140          |
| Chaffee      | 4           | 1          |                 | 3            |                         |                    | 8            |
| Clear Creek  | 10          | 5          |                 | 9            |                         |                    | 24           |
| Conejos      | 3           |            |                 | 3            |                         |                    | 6            |
| Costilla     | 8           |            |                 | 4            |                         |                    | 12           |
| Crowley      | 8           | 1          |                 |              |                         |                    | 9            |
| Custer       | 1           |            |                 |              |                         |                    | 1            |
| Denver       | 232         | 107        | 3               | 182          | 6                       | 7                  | 537          |
| Eagle        | 7           | 3          |                 | 7            |                         |                    | 17           |
| El Paso      | 1           | 1          | 1               | 2            |                         | 1                  | 6            |
| Fremont      |             |            |                 |              |                         |                    | 0            |
| Garfield     | 14          | 9          |                 | 20           | 2                       |                    | 45           |
| Gilpin       | 1           |            |                 | 7            |                         |                    | 8            |
| Grand        | 1           | 2          |                 | 5            |                         |                    | 8            |
| Gunnison     | 8           | 4          |                 | 11           |                         |                    | 23           |
| Huerfano     | 19          | 1          |                 | 2            |                         |                    | 22           |
| Jefferson    | 5           | 7          |                 | 12           | 1                       |                    | 25           |
| La Plata     | 9           | 3          |                 | 11           | 2                       |                    | 25           |
| Lake         | 6           | 1          |                 | 3            |                         |                    | 10           |
| Larimer      | 14          | 7          |                 | 12           |                         |                    | 33           |
| Las Animas   | 18          | 8          |                 | 23           |                         |                    | 49           |
| Mesa         | 3           | 2          |                 | 7            |                         |                    | 12           |
| Moffatt      | 1           |            |                 | 2            |                         |                    | 3            |
| Montezuma    | 4           | 1          |                 | 9            |                         |                    | 14           |
| Montrose     | 5           |            |                 |              |                         |                    | 5            |
| Morgan       | 4           | 4          |                 | 3            |                         |                    | 11           |
| Otero        | 1           |            |                 |              |                         |                    | 1            |
| Ouray        | 3           |            |                 | 3            |                         |                    | 6            |
| Park         | 11          | 4          |                 | 6            |                         |                    | 21           |
| Pitkin       | 2           | 2          |                 | 7            |                         |                    | 11           |
| Pueblo       | 167         | 32         | 1               | 32           |                         | 2                  | 234          |
| Routt        | 14          | 8          |                 | 4            |                         |                    | 26           |
| Saguache     | 42          | 11         | 1               | 4            |                         |                    | 58           |
| San Juan     | 1           |            |                 | 2            |                         |                    | 3            |
| San Miguel   | 4           | 3          |                 | 5            |                         |                    | 12           |
| Sedgwick     | 1           |            |                 | 1            |                         |                    | 2            |
| Summit       | 4           | 1          |                 | 10           |                         |                    | 15           |
| Teller       |             |            |                 |              |                         |                    | 0            |
| Weld         | 6           | 3          |                 | 5            |                         |                    | 14           |
| <b>Total</b> | <b>742</b>  | <b>287</b> | <b>9</b>        | <b>529</b>   | <b>13</b>               | <b>10</b>          | <b>1590</b>  |

Source: Colorado Department of Revenue, Marijuana Enforcement Division. MED Licensee Information, at <https://www.colorado.gov/pacific/enforcement/med-licensee-information>



**Appendix H, Table 21. Licensed medical marijuana businesses, by license type and county, May 2018**

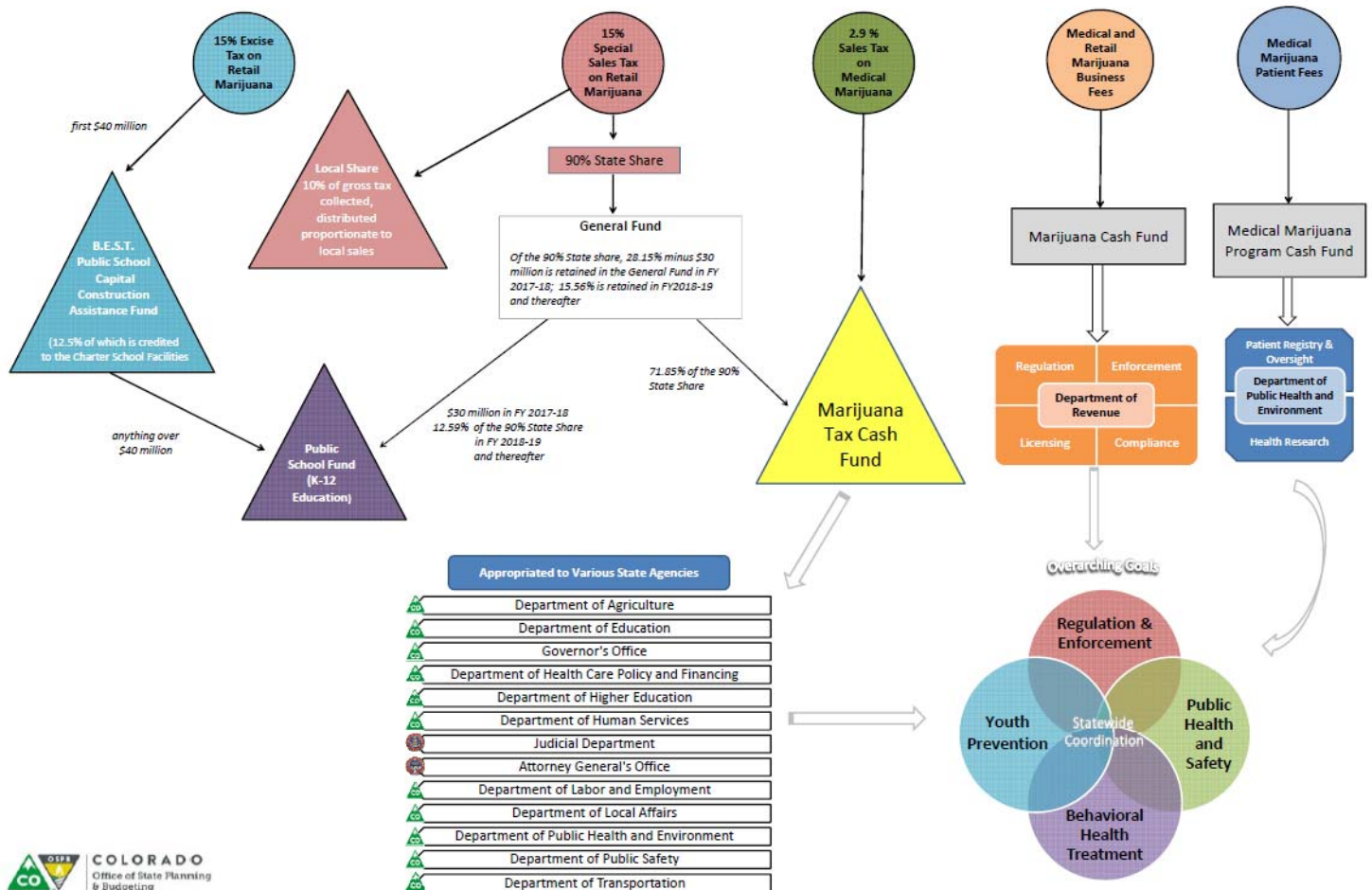
| County       | Medical Center | Medical Grow | Medical MIP | Medical Operator | Medical Testing Facility | Medical Transporter | Total medical |
|--------------|----------------|--------------|-------------|------------------|--------------------------|---------------------|---------------|
| Adams        | 9              | 5            | 8           | 2                | 1                        |                     | 25            |
| Alamosa      | 2              |              |             |                  |                          |                     | 2             |
| Arapahoe     | 9              | 2            |             | 1                |                          |                     | 12            |
| Archuleta    | 1              | 1            |             |                  |                          |                     | 2             |
| Boulder      | 26             | 31           | 18          |                  | 1                        |                     | 76            |
| Chaffee      | 1              | 1            | 1           |                  |                          |                     | 3             |
| Clear Creek  | 4              | 4            | 4           | 1                |                          |                     | 13            |
| Conejos      |                |              |             |                  |                          |                     | 0             |
| Costilla     | 2              | 3            |             |                  |                          |                     | 5             |
| Crowley      |                | 2            | 1           |                  |                          |                     | 3             |
| Custer       |                |              |             |                  |                          |                     | 0             |
| Denver       | 199            | 369          | 108         | 2                | 5                        | 6                   | 689           |
| Eagle        | 5              | 3            | 1           |                  |                          |                     | 9             |
| El Paso      | 134            | 179          | 50          |                  |                          | 1                   | 364           |
| Fremont      | 4              | 24           | 1           |                  |                          |                     | 29            |
| Garfield     | 8              | 8            | 4           |                  |                          |                     | 20            |
| Gilpin       | 1              |              |             |                  |                          |                     | 1             |
| Grand        | 1              | 1            | 2           |                  |                          |                     | 4             |
| Gunnison     | 1              |              |             |                  |                          |                     | 1             |
| Huerfano     | 1              | 1            | 1           |                  |                          |                     | 3             |
| Jefferson    | 20             | 7            | 7           |                  | 1                        |                     | 35            |
| La Plata     | 4              | 4            | 2           |                  | 2                        |                     | 12            |
| Lake         |                |              |             |                  |                          |                     | 0             |
| Larimer      | 15             | 15           | 5           |                  |                          |                     | 35            |
| Las Animas   | 5              | 5            | 4           |                  |                          |                     | 14            |
| Mesa         | 1              | 1            | 1           |                  |                          |                     | 3             |
| Moffatt      | 1              |              |             |                  |                          |                     | 1             |
| Montezuma    | 3              | 2            | 1           |                  |                          |                     | 6             |
| Montrose     | 2              | 2            |             |                  |                          |                     | 4             |
| Morgan       | 1              | 2            | 3           |                  |                          |                     | 6             |
| Otero        | 1              |              |             |                  |                          |                     | 1             |
| Ouray        | 1              | 2            |             |                  |                          |                     | 3             |
| Park         | 1              | 1            | 3           |                  |                          |                     | 5             |
| Pitkin       | 4              | 2            | 1           |                  |                          |                     | 7             |
| Pueblo       | 18             | 35           | 15          |                  |                          | 1                   | 69            |
| Routt        | 3              | 9            | 4           |                  |                          |                     | 16            |
| Saguache     | 1              | 5            | 4           |                  |                          |                     | 10            |
| San Juan     |                |              |             |                  |                          |                     | 0             |
| San Miguel   | 1              | 1            | 3           |                  |                          |                     | 5             |
| Sedgwick     | 1              | 1            |             |                  |                          |                     | 2             |
| Summit       | 3              | 2            |             |                  |                          |                     | 5             |
| Teller       | 1              | 2            |             |                  |                          |                     | 3             |
| Weld         | 3              | 3            | 2           |                  |                          |                     | 8             |
| <b>Total</b> | <b>498</b>     | <b>735</b>   | <b>254</b>  | <b>6</b>         | <b>10</b>                | <b>8</b>            | <b>1511</b>   |

Source: Colorado Department of Revenue, Marijuana Enforcement Division. MED Licensee Information, at <https://www.colorado.gov/pacific/enforcement/med-licensee-information>

**APPENDIX I:**  
**DISTRIBUTION OF MARIJUANA TAX AND FEE REVENUE, FY 2017-18 FLOWCHART**

Appendix I, Figure 1. Distribution of marijuana tax and fee revenue beginning in FY 2017–18

## Distribution of Marijuana Tax and Fee Revenue Beginning in FY 2017-18 (Beginning July 1, 2017)



Source: Governor's Office of State Planning and Budget.

Office of Research and Statistics  
Division of Criminal Justice  
Colorado Department of Public Safety  
700 Kipling Street, Suite 1000  
Lakewood, CO 80215  
<https://www.colorado.gov/pacific/dcj-ors>





## **SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY**

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### **Community Risk Reduction Division**

835 Central Ave  
Tracy, CA 95376

Telephone: (209) 831-6700  
FAX (209) 831-6703

1/28/2019

Karin Schnaider  
Finance Director  
City of Tracy

Karin,

The service impacts of the addition of two non-storefront dispensaries to fire include permitting, plan review, inspection, response to complaints, and the possible response by operational staff for medical emergencies and/or traffic incidents.

We anticipate staff impacts to include the time of .75 personnel for two non-storefront businesses.

Please let me know if you need additional information.

Respectfully,

Amy Ray  
Fire Marshal  
South San Joaquin County Fire Authority



## Revised State Cannabis Regulations: Impact on Cities Effective Wednesday, January 16, 2019

### I. Cannabis Deliveries

Under Title 16, Section 5416(d) of the Bureau of Cannabis Control's regulations (governing deliveries to a physical address), local governments no longer have the authority to ban cannabis deliveries within their borders.

The wording of the updated regulation is silent on *local regulations*, and merely states "a delivery employee may deliver to any jurisdiction within the State of California provided that such delivery is conducted in compliance with all delivery provisions of this division."

This silence on local regulations creates ambiguity, and until that role is clarified by the state or related litigation on this issue, local regulations that are limited to public safety considerations represent reasonable delivery rules for local governments to adopt. Local governments are advised to consult with their legal counsel before undertaking any action in this area. Local regulation of deliveries would focus on protecting public safety in three areas:

1. Permit Requirement: Requiring a local delivery permit with a nominal permit fee, enabling locals to track and to tax delivery activity;
2. Verification of State License: Requiring evidence that the delivery service is linked to a state-licensed commercial cannabis business (ensuring compliance with state law);

3. Verification of Criminal Background Checks: Requiring from delivery employers (or the local government that authorized the retail business to which the delivery operations are linked) evidence of background checks on employee/drivers to ensure they do not have:

- DUIs
- Convictions for violent felonies
- Convictions for specified sex offenses

### II. Deadline for Local Governments to Confirm Local Authorization of Applicants Applying to the State for an Annual License

Title 16, Section 5002 (c)(28) of the Bureau of Cannabis Control's regulations currently require the state, when it receives an application for an annual state license, to notify local governments and confirm the validity of the applicant's local authorization. The revised regulations shorten the deadline for local governments to confirm that they have issued the applicant a local permit or other authorization, from 60 to 10 days.

## **Other Jurisdictions' Actions Regarding Commercial Cannabis Activity**

### **Stockton**

#### Measure Q – Medical Cannabis Business License Tax

On June 28, 2016, the Stockton City Council approved placing two ballot Measures on the November 8, 2016, General Election ballot that would overturn the current ban on medical cannabis (marijuana) dispensaries, allow medical cannabis cultivation businesses within the City, and would allow for the increase of business license tax on medical cannabis and marijuana-related businesses. Council approved placing both Measures on the ballot by a vote of 7 – 0, adopting Resolutions 2016-06-28-1503-01 and 2016-06-28-1503-02. Measure Q was approved by 63.79 percent of voters.

#### Measure Q - Approved by Voters

Measure Q increases the rate of the medical cannabis business license tax by proposing amendments to Chapters 5.98 and 5.99 of the Stockton Municipal Code (SMC):

- Increases and establishes a range of rates for the City's medical cannabis business license tax;
- Allows the City Council to raise or lower the business license tax within a range of between \$35 - \$50, per \$1,000 in gross receipts of medical cannabis, and
- Authorizes a business license tax for non-medical/recreational marijuana of \$100 per \$1,000 in gross receipts, should State or Federal law be changed to allow the use of marijuana for any non-medical purpose.

As part of the first phase of the policy project, on September 18, 2018, City Council adopted ordinance 2018-18-1502 that allowed for medical cannabis dispensaries to sell adult-use cannabis and for medical cultivation businesses to grow adult-use cannabis.

- Number of allowable dispensaries within City limits was increased to 5 from 4 dispensaries.
- Number of allowable cultivation operator's permits remains at 4 citywide.

The project is in its final phase with community meetings held in October 2018.

- Findings from community meetings presented to Planning Commission on November 15, 2018.
  - [Cannabis Ordinance Meeting Findings](#)
- Final recommendations will be presented to the Planning Commission in January 2019 and to City Council in February 2019.

#### **Stockton Municipal Code Medical Cannabis Business License Tax:**

5.98.030 Payment of tax.

Notwithstanding any provision to the contrary, every business, including non-profit organizations, operating as a “medical cannabis business,” shall pay an annual business license tax to the City in the following amounts:

- A. On, or after January 1, 2011, a maximum of \$25.00 for each \$1,000.00 of gross receipts per year.
- B. On, or after January 1, 2017, a minimum of \$35.00 up to a maximum of \$50.00 for each \$1,000.00 of gross receipts per year, to be set by ordinance or resolution of the City Council.
- C. Notwithstanding the tax rates imposed by this section, the City Council may, in its discretion, at any time by ordinance or resolution implement any lower tax rate it deems appropriate, and may increase such tax rate from time to time not to exceed the maximum tax rate authorized by this section.
- D. Notwithstanding any provision to the contrary, every business, operating as an “adult-use cannabis business,” shall pay an annual business license tax to the City in the following amount:
  - 1. On, or after October 18, 2018, a maximum of \$100.00 for each \$1000.00 of gross receipts per year.
  - 2. Notwithstanding the tax rates imposed by this section, the City Council may, in its direction, at any time by ordinance or resolution implement any lower tax rate it deems appropriate, and may increase such tax rate from time to time not to exceed the maximum tax rate authorized by this section. (Ord. 2018-09-18-1502 § 3; Ord. 2016-06-28-1503 § 2; Ord. 018-10 § 3, eff. 12-02-10)

Stockton Municipal Code Marijuana Business License Tax:

5.99.030 Payment of tax.

- A. In addition to any requirements imposed by this Code, a marijuana business shall pay an annual business license tax in the amount of \$100.00 per \$1,000.00 of gross receipts.
- B. The City Council may, in its discretion, at any time by ordinance or resolution impose the tax authorized by this section at a lower rate. No action by the City Council under this subsection shall prevent it from subsequently increasing the tax rate for marijuana business to the maximum specified in this section. (Ord. 2016-06-28-1503 § 3; Ord. 018-10 § 4, eff. 12-02-10)



## **Modesto**

Retail Dispensary Commercial Cannabis Businesses are limited to a maximum of 10 within Modesto city limits. The Permit Application period for Retail Dispensary Commercial Cannabis Businesses for Phase One and Phase Two is now closed.

Resolution No. 2018-537 adopted the previously approved cannabis business tax rates ranging from two and a half to eight percent (2.5% to 8%), depending on the business type, gross receipts of all engaged in cannabis businesses in the city

In November 2017 the Modesto City Council placed before the voters a ballot measure, “ Measure T,” to enact an ordinance allowing the City Council to implement an excise tax on cannabis businesses within the City. Modesto voters approved Measure T, with 82.5% voting in favor.

City Council Ordinance 3672-C.S. established Article 11, “ Cannabis Business Tax,” of Chapter 2, “ Taxation,” of Title 8, “ Finance, Revenue, and Taxation,” of the Modesto Municipal Code, which allows the City Council to impose, by Resolution, an excise tax of up to ten percent (10%) on the gross receipts of cannabis businesses within the City

City Council Ordinance 3684-C.S. amended the Zoning Code to allow for certain cannabis businesses to operate in certain areas of the City under regulations

Revenues from a cannabis business tax would go into the City’s General Fund to be used for any legitimate government purpose, including those identified in the ballot measure such as neighborhood safety, maintaining parks and job creation

City Council implemented the Cannabis Business Tax, pursuant to Section 8-2.1108 of the Modesto Municipal Code, at rates ranging from two-and-a-half percent (2.5%) to eight percent (8%), depending on business type, of gross receipts of all cannabis business within the City.

Pursuant to Section 8-2.1108 of the Modesto Municipal Code, the Cannabis Business Tax is hereby imposed at rates ranging from 2.5% to 8% of all gross receipts of those engaged in cannabis business within the City of Modesto, as follows:

### **Cannabis Business Type Tax Rate/Percentage of Gross Receipts**

Retail (Storefront and Delivery) 8%

Distribution 6%

Microbusiness 4%

Manufacturing 4%

Cultivation 2.5%

Testing Labs 2.5%

## **Alameda County**

In 2017, the Alameda County Ordinance Code was updated to allow permits for commercial medical cannabis cultivation, retail and delivery operations in the unincorporated area of Alameda County. This update included revisions to the County's existing ordinance regulating retail operations (Chapter 6.108), the addition of a new cultivation ordinance (Chapter 6.106), and revisions to the Zoning Ordinance (Title 17).

On 8 May, 2018, the County adopted ordinance amendments to allow permitted cannabis cultivation operations in the unincorporated area to grow both medical and adult use cannabis and permitted retail operations to sell both medical and adult use cannabis. These ordinance amendments will come into effect on 7 June, 2018 and the Alameda County Code of Ordinances, which is available [here](#) via the Municode Library, will be updated to reflect the changes. In the meantime, a copy of the final ordinances are available here:

- [Chapter 6.106: Cultivation](#) (PDF) \*
- [Title 17 \(Zoning\): Cultivation](#) (PDF) \*
- [Chapter 6.108: Retail Sale](#) (PDF) \*
- [Title 17 \(Zoning\): Retail Sale](#) (PDF) \*

Additional information regarding commercial cannabis regulation in unincorporated Alameda County is available in relation to the following topics:

- [Cannabis Cultivation, Retail, and Delivery](#)
- [Requests for Proposals \(RFP's\) - Cultivation and Retail Permits](#)
- [Additional Business Types](#)
- [Commercial Cannabis Taxation](#)

## **San Joaquin County**

On August 7, 2018, San Joaquin County adopted an ordinance allowing all types of medical and adult-use commercial cannabis businesses except outdoor cultivation and cannabis events in the unincorporated County with specific license, operating, and land use requirements. The ordinance is designed to protect public health and safety and keep cannabis out of the hands of youth, while also realizing the potential benefits of cannabis legalization including quality job development, criminal justice reform, and reduction of the black market. The ordinance will only become operative if the Commercial Cannabis Business Tax (Measure B) passes by a 2/3 majority on November 6, 2018. Measure B Failed to Pass by the Required 2/3 Majority.

On November 6, 2018, the voters of San Joaquin County failed to pass Measure B, the special tax on all commercial cannabis activity in the unincorporated County. Accordingly, the Title 4, Division 10, Chapter 1 Commercial Cannabis Business ordinance will not become operative and the corresponding Title 9 amendments will not move forward. The ban on commercial cannabis businesses in the unincorporated areas of San Joaquin County will remain in place.

## **Livermore**

At the October 9, 2017, City Council meeting, City staff presented the medical cannabis outreach results to the Council. After receiving public comments and discussion, the City Council directed staff to prepare an ordinance prohibiting all commercial cannabis activities in Livermore, with a limited exception for the delivery of medicinal cannabis from a properly licensed dispensary outside Livermore to qualified patients and primary caregivers in Livermore. Council also directed staff to perform additional public outreach for an alternative location for a potential medical cannabis storefront dispensary. An alternative location for a potential medical cannabis storefront dispensary was not addressed at this meeting.

At the October 23, 2017 meeting, City Council approved the ordinance and a second reading of the ordinance was presented at the November 13, 2017 meeting. The ordinance will take effect December 13, 2017.

## **Lodi**

Banned. On October 17, 2018, Lodi City Council approved Resolution 2018-198 opposing San Joaquin County's cannabis business tax, Measure B.

## **Ripon**

Banned. On October 9, 2018, Ripon City Council approved Resolution 18-80 opposing San Joaquin County's cannabis business tax, Measure B.

## **Lathrop**

Banned

## **Manteca**

Banned

AGENDA ITEM 3.E

REQUEST

**REVIEW AND DISCUSS THE PROPOSED CODE OF ETHICS AND CONDUCT AND CHANGES TO THE CURRENT COUNCIL POLICY C-1 AS RECOMMENDED BY THE CITY COUNCIL SUBCOMMITTEE AND APPROVE THE ENABLING RESOLUTION.**

EXECUTIVE SUMMARY

The City Council appointed City Council members Vargas and Young as an ad hoc subcommittee to work with the City Attorney to prepare, for Council's consideration, a comprehensive Code of Ethics and Conduct. The subcommittee recommends approval of the proposed Code and modification of the current Council Policy C-1.

DISCUSSION

The proposed Code of Ethics and Conduct ("The Code") is intended to provide a "bright line" of conduct that is expressly prohibited, together with sanctions in the event of transgression. The Code is proposed to encompass Council members, Board Commissioners, Elected Officials (Treasurer) and Appointed Employees (City Manager and City Attorney).

The Code has outlined Core Principles for all the above referenced officeholders. Further, it defines roles and responsibilities of the Mayor and City Council members. It proposes to establish a standing Council subcommittee on "Governance" to provide for continual updates to the Code and to review all City Boards and Commissions.

The Code proposes changes to the amount of time and position on the agenda for "items from the audience," moving it from the current two periods to one period at the end of the meeting. It also mandates that speaker cards be used by members of the audience to request the opportunity to speak to Council during the items from the audience time period.

The subcommittee was split on the amount of time to provide to audience members and for any Council member rebuttal. Staff had recommended three (3) minutes for members of the public, forty five (45) minutes total and two (2) minutes for a "brief rebuttal" by a Council member to respond to all items that were raised during items from the audience. One subcommittee member thought both should be longer. Council should review and provide direction on this item found in Section V.

The Code reiterates the City Manager form of government. It provides limits on the use of staff to perform investigations and seek advisory opinions from the Fair Political Practices Commission and/or Attorney General.

The Code provides sanctions in the event of an individual violating the Code. City Council members may be sanctioned by the Council, including: reprimand, censure, loss of committee appointments and/or assignments. Board members can be removed from the Board or Commission upon which they sit. Sanctions against Appointed Employees are governed by their respective employment contract. Elected Officials may be sanctioned by reprimand or censure.

#### STRATEGIC PLAN

This agenda item is consistent with the Council approved Governance Strategy in creating and maintaining a highly ethical work environment.

#### FISCAL IMPACT

There is no fiscal impact in enacting the Code of Ethics and Conduct and updated Council Policies and Procedures.

#### RECOMMENDATION

That the City Council discuss, and if they choose, enact the Code of Ethics and Conduct and updated Council Policies and Procedures by Resolution.

Prepared by: Thomas Watson, City Attorney

Reviewed by: Karin Schnaider, Finance Director

Approved by: Midori Lichtwardt, Assistant City Manager

#### ATTACHMENTS

Attachment A – Proposed Code of Ethics and Conduct

Attachment B – Proposed Procedures for Preparation, Posting and Distribution of Agenda and the Conduct of Public Meetings (Council Policy C-1 – Redlined)

## **CODE OF ETHICS AND CONDUCT CITY OF TRACY**

The City Council of the City of Tracy adopts the following Ethical and Conduct principles, which shall apply to all Council Members, Commissioners, Elected Officials and Appointed Employees:

**DEFINITIONS.** For purposes of this Code of Ethics and Conduct, the following definitions shall apply:

(1) Commissioner. Commissioner means an appointed board or commission member for any board or commission created by the City and specifically includes advisory boards or commissions.

(2) Elected Official means City Treasurer.

(3) Appointed Employees means City Manager and City Attorney.

(4) Office holder means any Mayor, Council Member, Commissioner, Elected Official or Appointed Employee during the term of their office.

### **I. CORE VALUES AND PRINCIPLES.**

The City Council agrees that the following are Core Values and Principles of the City of Tracy:

#### **A. LAW AND ORDER**

1. The office holder shall obey the laws and guidelines set forward by the Fair Political Practices Commission and the City Council.
2. The office holder should be courteous and respectful to Council Members, staff and members of the public.

#### **B. PUBLIC TRUST AND CONFIDENCE IN GOVERNMENT**

1. The office holder shall not make false allegations that may promote erosion of confidence.
2. The office holder shall conduct themselves in a courteous and respectful manner at all times during the performance of their official City duties.
3. The office holder should not encourage distrust or discord against the City, City Council or staff.

4. The office holder should refrain from criticizing fellow Council Members from the dais.
5. The office holder should refrain from publically criticizing City administration and staff.

C. INTEGRITY/ HONESTY

1. The office holder shall be honest with fellow elected officials, the public and others.
2. The office holder should vote their conscience.
3. The office holder should be willing to credit others' contributions to moving our community's interests forward.
4. The office holder should not knowingly use false or inaccurate information to promote a position.
5. The office holder should safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

D. RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS

1. The office holder shall not accept gifts, services or other special considerations because of his or her public position.
2. The office holder shall not give special treatment or consideration to any individual or group beyond that available to any other individual.
3. The office holder shall refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance his/her financial or other personal interests.

E. FAIRNESS/ACCOUNTABILITY

1. The office holder shall treat all persons, claims and transactions in a fair and equitable manner.
2. If the office holder receives substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, the office holder shall publicly share it with the Council or Commission and staff.
3. The office holder should work to contribute to a strong organization that exemplifies transparency and open communication.
4. The office holder should promote meaningful and constructive public involvement in the agency's decision-making processes.

**F. RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC**

1. The office holder shall respect the distinction between the role of office holder and staff.
2. The office holder shall encourage full participation of all persons and groups; the office holder is aware of and observes important celebrations and events which reflect the values of our diverse population.
3. The office holder should treat fellow officials, staff and the public with patience, courtesy and civility, even when there is disagreement on what is best for the community.
4. The office holder should work towards consensus building and gain value from diverse opinions.

**G. PROPER AND EFFICIENT USE OF PUBLIC RESOURCES**

1. The office holder shall not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
2. The office holder shall make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
3. The office holder shall demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
4. The office holder shall be a prudent steward of public resources and should actively consider the impact of decisions on the financial and social stability of the City and its residents.

**II. ROLES AND RESPONSIBILITIES.**

The power and duties of the entire City Council include:

1. Holding regular meetings at least twice per month.
2. Being educated and informed regarding City business and upcoming agenda items.
3. Administering oaths and affirmations in any investigation or proceeding, to compel attendance of witnesses, to examine them under oath.
4. Adopting ordinances and resolutions.
5. Deciding appeals from various departments, such as zoning or citations.
6. Approving City contracts or authorizing the City Manager to bind the City.



7. Providing for the sale or exchange of real or personal property not needed in City service by ordinance or resolution.
8. Appointing the City Manager and City Attorney and setting their compensation.
9. Removing the City Manager or City Attorney as set forth in the Tracy Municipal Code and the employment agreement with that individual.
10. Refraining from interference with the administrative service, except for the purpose of inquiry. The City Council must deal with the administration of City services through the City Manager.
11. Providing by ordinance or resolution for the organization, conduct and operation of the various offices and departments of the City.
12. Controlling all legal business of the City.
13. Designating depositories for City funds.
14. Fixing by ordinance or resolution amounts and terms of official bonds of all officials or employees.
15. Refraining from having any conflict of interest in any transaction of the City.
16. Appointing to and creating the various boards and commissions of the City.
17. Establishing by ordinance, resolution or policies a comprehensive personnel system.
18. After public hearings, adopting the annual budget of the City. At subsequent meetings, the City Council may amend or supplement the budget.
19. Establishing the procedure for assessing, levying and collecting taxes upon property within the City.
20. Incurring bonded indebtedness for the City.
21. Providing for an independent audit of the City each fiscal year.
22. By ordinance, regulating the granting of franchises.
23. Annually delegate the investment authority to the City Treasurer.

### **III. ROLE OF THE COUNCIL MEMBER.**

As individuals, Council Members have no administrative authority. They cannot give orders or otherwise supervise City employees. The Council, acting collectively, has complete authority over the City Manager in the City. This authority is generally restricted to establishing policies to be performed by the City Manager.

The major areas of Council authority and responsibility are:

1. Setting and interpreting rules governing its own proceedings.

2. Exercising all the powers of cities that the law does not delegate to others.
3. Legislating for the City.
4. Directing the enforcement of City ordinances.
5. Appointing City Manager and City Attorney.
6. Transacting City business.
7. Managing the City's financial operations.
8. Appointing members of the boards.
9. Conducting the City's intergovernmental affairs.

#### **IV. ROLE OF THE MAYOR.**

The Mayor is the presiding officer and a regular member of the City Council. The Mayor has all the powers and duties for the office of Council Member in addition to the following:

1. Official head of the City
2. The Mayor serves as the City's representative before the Legislature, federal agencies, and other local governments.
3. Executing official documents.
4. Power to make some appointments.
5. Presiding officer at Council meetings.
6. Declaring local emergencies.
7. Calling Special Meetings.

#### **V. CONDUCT OF COUNCIL AND PUBLIC DURING PUBLIC MEETINGS.**

The Council and all Commissions shall adopt Roberts Rules of Order and shall follow them at all meetings. The Council shall limit the time of discussion and debate to five minutes per Council Member. Clarifying questions shall also be limited to five minutes per Council Member, unless the chair allows additional time.

The Council shall have only one public comment period, which shall be placed after all business items. No person shall be allowed to speak unless a speaker card is filled out. Speaker cards are to be given to the City Clerk and will be accepted until the Council item immediately prior to the public comment period is opened. Public comment is limited to three (3) minutes per speaker and forty-five (45) minutes for the total public comment period. Speakers will be called up in the order the speaker cards were received by the City Clerk. At the end of the public comment period, no further speakers will be

recognized. The chair shall have the discretion to extend the speaking period of any individual speaker, which shall also extend the total public comment period by the same amount of time. A Council Member may briefly respond to provide factual corrections to the record. Such a brief response shall not exceed two minutes.

A time for public announcements may be placed on the agenda, if the request for a public announcement is received prior to the posting of the agenda.

**VI. CONFLICT OF INTERESTS.**

Appointed Employees, Commissioners, Elected Officials and Council Members shall comply with all state laws and regulations as promulgated by the Fair Political Practices Commission.

Appointed Employees, Commissioners, Elected Officials and Council Members should refrain from applying for and entering into contracts with the City, except as allowed by the Tracy Municipal Code.

**VII. CITY MANAGER FORM OF GOVERNMENT.**

The Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager.

**VIII. GOVERNANCE SUBCOMMITTEE.**

A permanent subcommittee of the Council shall be established, known as the Governance subcommittee. This subcommittee shall consist of two Council Members, selected by the Council, and will be responsible for review of Boards and Commissions, to report back to Council on the continuing viability and necessity of such Boards and Commissions, as well as recommendations to either create or dissolve any City Board or Commission. Additionally, the subcommittee will be responsible for recommending ongoing updates to the Code of Ethics and Conduct and procedures of Council.

**IX. COMPLIANCE AND ENFORCEMENT.**

This Code of Ethics and Conduct outlines standards of ethical conduct expected for members of the City Council, Elected Officials, Appointed Employees, and Commissioners. The chairs of Boards and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention. These

sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law.

A. COUNCIL MEMBERS:

Council Members who intentionally and repeatedly fail to follow conduct of this Code may be reprimanded or formally censured by the Council, lose committee assignments (both within the City and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics and Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Council Members should privately point out to the offending Council Member perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Mayor Pro Tem. It is the responsibility of the Mayor (or Mayor Pro Tem) to initiate action if a Council Member's behavior may warrant sanction. If no action is taken by the Mayor (or Mayor Pro Tem), then the alleged violation(s) can be brought up with the full Council at the request of two (2) Council Members. The Mayor or Council shall request the City Manager or the City Attorney to hire an outside investigator to investigate the allegation and report the findings to the Council.

Only the affected Council Member or Mayor is authorized to request from the City Attorney an opinion from the Fair Political Practices Commission ("FPPC") or Attorney General ("AG"). Council Members shall not request FPPC or AG opinions on other Council Members, Commissioners or Elected Officials through City staff or the City Attorney.

B. COMMISSIONERS AND ELECTED OFFICIALS:

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Commissioners or Elected Officials failing to comply with City policy. These lower levels of sanctions should be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Commissioners whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of the

Council at a noticed public meeting and such action shall be preceded by a memo to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of the Commissioner's or Elected Official's conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall request the City Manager or the City Attorney to hire an outside investigator to investigate the allegation and report the findings to the Council.

C. APPOINTED EMPLOYEES:

Appointed Employees agree that the following are Core Values and Principles of the City of Tracy specifically applying to their positions:

1. LAW AND ORDER

- a. Appointed Employees shall obey the laws and guidelines set forward by the Fair Political Practices Commission and the City Council.
- b. Appointed Employees should be courteous and respectful to Council Members.

2. PUBLIC TRUST AND CONFIDENCE IN GOVERNMENT

- a. Appointed Employees shall not make false allegations or provide false information that may promote erosion of confidence.
- b. Appointed Employees shall conduct themselves in a courteous and respectful manner at all times during the performance of their official City duties.
- c. Appointed Employees shall not encourage distrust or discord against the City, City Council or staff.
- d. Appointed Employees should refrain from criticizing Council Members from the dais.
- e. Appointed Employees should refrain from publicly criticizing City Council, administration and staff.

3. PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- a. Appointed Employees shall not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.

- b. Appointed Employees shall make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- c. Appointed Employees shall demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- d. Appointed Employees shall be prudent stewards of public resources and should actively consider the impact of decisions on the financial and social stability of the City and its residents.

Any violation of this code by the City Manager or City Attorney (Appointed Employees) shall be resolved as set forth in the individual's employment contract.

**PROCEDURES FOR PREPARATION, POSTING  
AND DISTRIBUTION OF AGENDA  
AND THE CONDUCT OF PUBLIC MEETINGS**

Applicability

The procedures outlined below relating to the preparation, posting and distribution of agendas apply to the City Council, the Successor Agency to the Community Development Agency, ~~the South County Fire Authority~~, the Public Facilities Corporation, the Tracy Operating Partnership Joint Powers Authority, and all City Boards, Commissions, and Committees. The procedures outlined below relating to the conduct of Council meetings apply only to the City Council. All City Council meetings shall be open to the public; however, the City Council may hold closed sessions as authorized by state law.

A. Preparation, Posting and Distribution of Agenda

Purpose of Agenda

The agenda process serves four purposes:

- As a communication mechanism, the agenda informs City staff, City Council, the public and the press.
- As a compliance mechanism, the agenda process ensures compliance with mandated state laws.
- As a decision-making mechanism, the agenda process regularly brings City business to the City Council for consideration and action. Agenda items should contain enough background information so City Council can obtain a full understanding of the issues. The agenda item should conclude with a staff recommendation so City Council has the benefit of staff input prior to making a final decision.
- As a historical reference that can be kept as a record of proceedings and actions as needed for future actions and/or litigation.

Agenda

As set forth above, the purpose of the agenda is to provide a framework within which Council meetings can be conducted and to effectively implement the approved Council programs, goals and budget. Staff shall work within the policies established by Council and not place matters on the agenda that are outside the scope of existing work programs and priorities except as approved by a majority of the Council, or matters necessary to the proper operation and well-being of the City.

The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

### Distribution of Agenda

At a minimum the posting and distribution of all agendas shall be done in accordance with the Ralph M. Brown Act ("Brown Act") (California Government Code sections 54950 et seq.). Agendas for regular meetings shall be posted 72 hours prior to the meeting; special meeting agendas shall be posted not less than 24 hours prior to the meeting. All agendas shall be posted in the following locations: City Hall, the [Tracy](#) library, the City's website, and other locations as may be required by a particular Board or Commission's Bylaws. Posting of agendas at City Hall shall be the official location for purposes of Brown Act compliance.

The agenda packets are provided to City Council Members on the Thursday (or Friday) prior to City Council meeting. Distribution to the staff, public and media shall occur immediately after distribution to the City Council. The City will provide, by mail, a copy of the agenda cover sheet and the specific item relating to any individual and/or company which has an item on any given Council agenda [upon written request](#).

Agenda subscriptions are available from the City Clerk's Office, 333 Civic Center Plaza, Tracy, (Tel: 209/831-6105). Copies of the agenda, and of individual agenda items, are available at costs established in the City's Master Fee Schedule. Copies of the agenda are also available at the Library and the agenda is posted on the City's website [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us).

### Public Access to Written Materials after the Agenda has been Posted or Distributed at Council Meetings

On occasion, Council may receive written materials either after the Agenda has been posted or at a Council meeting. These written materials are typically related to an agendized item or handed out during Items from the Audience. Upon the Council receiving these written materials they become a public record. For materials related to an agendized item, a copy will be kept on file at the City Clerk's Office and will typically be posted on the City's website under "Materials Distributed at Council Meetings" 48 hours after the Council meeting.

## B. Conduct of Council Meetings

### Council Meetings

Council meetings are held on the first and third Tuesdays of the month, unless the meeting date falls on a holiday as defined in California Government Code Section 6700. No meeting shall be held on such a holiday, but a regular meeting shall be held at 7:00 p.m. on the next business day thereafter [unless otherwise cancelled or rescheduled](#), as required by California Government Code Section 54954. Special meetings are scheduled as necessary.

Council meetings are broadcast live on Channel 26. Reruns of the preceding Council meeting are shown every Wednesday at 8:00 p.m. and every Saturday at 9:00 a.m. on Channel 26. Videotapes and DVD recordings of City Council meetings are available at costs established in the City's Master Fee Schedule.

### Order of Business

The suggested order of business of Council meetings shall be as follows. However, the City Manager may make exceptions to the order as needed.



Procedures for Preparation, Posting and Distribution of Agenda  
and the Conduct of Public Meetings  
Page 3

1. Roll Call
2. Pledge of Allegiance
3. Invocation
4. Proclamations and Awards
5. Consent Calendar
6. ~~Items from the Audience~~
- 7-6. Continued Public Hearings
- 8-7. New Public Hearings
- 9-8. Regular Items including Introduction ~~and Second Readings~~ of Ordinances
- 10-9. Items from the Audience
- 11-10. Staff Items
- 12-11. Council Items
- 13-12. Adjournment

The regular order of business may be changed or suspended for any purpose at any particular meeting by the Mayor, with the consent of the Council.

The Council may determine whether it will consider any new items after 11:00 p.m. and shall determine which specific items will be considered. If an item is continued due to the lateness of the hour, the item shall be automatically placed on the agenda for the next regularly scheduled City Council meeting unless otherwise scheduled by motion action of the Council.

#### Consent Calendar

All items listed on the Consent Calendar are considered to be routine matters or consistent with previous City Council direction. One motion, a second and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

#### Public Access/Items from the Audience

It is the policy of the City Council that members of the public be allowed to address the Council on any agenda item or other matter within the Council's jurisdiction. Each member of the public will be allowed a maximum of five minutes for public input or testimony on an agenda item. At the Mayor's discretion, additional time for testimony may be granted. The Mayor shall request that individuals addressing the Council state their names and addresses for the record, to ensure accuracy in the minutes and for contact information. An individual's failure to state his or her name or address shall not preclude the individual from addressing the Council.

The public shall be given an opportunity to speak on "Items of Interest to the Public." Agendas for regular meetings will have two one opportunities for "Items from the Audience." The first opportunity will be limited to a 15-minute maximum period. The second "Items from the Audience" opportunity will not have a maximum forty five (45) minute time limit. Each person requesting to speak must fill out and deliver to the City Clerk a "speaker card." Persons will be called up to speak in the order the speaker cards were received by the City Clerk. The fiveA three minute maximum time limit per speaker will shall apply to all "Items from the Audience." The City Clerk shall be the timekeeper.

#### Non-Agendized Items (Items from the Audience and Council Items)

No matters, other than those on the posted agenda, shall be acted upon by the Council. However, items may be added to the agenda (such as emergency matters) as permitted in the Brown Act. Brief announcements, brief responses or questions for clarification, may be made to statements or questions raised on items not on the agenda. [Brief responses to correct factual inaccuracies by Council Members shall be limited to two \(2\) minutes.](#)

Action on any item not on the agenda shall be deferred until the item is properly listed on the agenda for a subsequent Council meeting unless added due to an immediate need if permitted under state law.

#### Council Member Request for Matters to be ~~Discussed~~discussed by Council

Council Members wishing to have a matter discussed by the City Council may request that it be placed on a future City Council agenda during a Council meeting, under "Council Items," or by contacting the City Manager, or his/her designee, via telephone, email, or in person. Upon the request of a Council Member, the item will be placed on a future City Council agenda as long as one other Council Member concurs with the request. The City Manager will determine when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations and the effect on City Council established priorities.

#### Members of the Public - Request for Agenda Items

When a member of the public raises an item at a Council meeting which requires attention, such items shall be referred to staff for follow-up. If the requesting member of the public is not satisfied with staff's response to his/her question, the member of the public may request a Council Member to sponsor his/her item for discussion at a future Council meeting. In such cases, the sponsoring Council Member shall follow those procedures described under "Council Member Request for Agenda Items." Placing an item from a member of the public on a Council agenda does not imply or guarantee a decision or action different from that taken by staff in the initial follow-up to the question or request.

#### Public Hearings

Public hearings are required for a variety of City Council actions such as most changes to the Tracy Municipal Code, zoning revisions, some annexations, street vacations, weed abatement, liens, fee increases, etc. Whenever the law provides that publication of a notice shall be made, such notice shall be published in a newspaper of general circulation for the period prescribed, the number of times, and in the manner required. Each speaker will be allowed a maximum of five minutes for public input or testimony. At the Mayor's discretion, additional time for testimony may be granted. The City Clerk shall be the timekeeper.

#### Presentations to the Council

Letters and written communications: Speakers are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Letters submitted with a request that they be read into the record will be done so only upon a request of the majority of the Council.

PowerPoint (or similar): Staff and members of the public who wish to make PowerPoint, Video or similar presentations to the Council will utilize the City's audio/visual equipment. Staff and members of the public are required to provide the City Clerk's Office with the DVD/CD/Video (or email copy) of the presentation no later than ~~24~~48 hours prior to the Council meeting.

Powerpoints or other video presentations will not be shown during "items from the audience" and will only be shown for agenda items if provided as set forth above. The City reserves the right not to show any powerpoint or video during a Council meeting.

Additionally, eight hard copies of the presentation material shall be provided to the City Clerk's Office for inclusion in the record of the meeting and for distribution to Council, City Attorney and City Manager.

#### Americans with Disabilities Act

The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled. To allow for such reasonable accommodations, persons requiring assistance or auxiliary aids to participate at a City meeting, should contact the City Manager's Office at (209) 831-6000 at least 24 hours prior to the meeting.

#### Workshops

The purpose of a workshop is to inform the policy body on complex issues. Workshops provide an opportunity for the Council to review documents and request additional information. However, no final Council action shall be taken during the workshop on workshop items.

#### Procedure for Invocations

Any member of the public who wishes to offer an invocation prior to the opening of a regular City Council meeting shall contact the City Clerk. The City Clerk shall select a mutually agreeable City Council meeting date for the invocation.

#### Minutes

The City Clerk's office shall be responsible for the preparation and distribution of the Council minutes. The minutes shall include a public report on any action taken and the vote or abstention on such action of each Council Member present for the action. Unless a reading of the minutes is requested by a Council Member, the minutes may be approved as a Consent Calendar item.

No minutes or written record of closed sessions of the City Council shall be kept, except as required by state law or as directed by the majority vote of the City Council. The Council shall report at a public meeting any action taken in closed session, as required by Government Code Section 54957.1.

The City Clerk shall include a report on posting of the agenda in the minutes.

Rules of Decorum – Enforcement

While the Council is in session, all persons shall preserve the order and decorum of the session. The standards of order and decorum shall be governed by common sense. Any person who disrupts the orderly course of the meeting is guilty of an infraction and may be called out of order by the Mayor and barred from further participation during that session of the Council in accordance with the Brown Act and the California Penal Code.

Procedures for Preparation, Posting and Distribution of Agenda  
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Rev. 1/14/19

RESOLUTION 2019-\_\_\_\_\_

RESCINDING RESOLUTION 2015-052 AND ESTABLISHING UPDATED COUNCIL POLICIES  
AND PROCEDURES AND CODE OF ETHICS AND CONDUCT

WHEREAS, On January 20, 2015, the Tracy City Council adopted Resolution 2015-012 which revised the City Council Procedures for Preparation, Posting and Distribution of Agenda and the Conduct of Public Meetings ("City Council Policies and Procedures"), and

WHEREAS, On April 7, 2015, the City Council amended the City Council Policies and Procedures by Resolution 2015-052, and

WHEREAS, The 2018 San Joaquin Grand Jury recommended that the City Council adopt a Code of Conduct, and

WHEREAS, The City Council delegated the drafting of this Code of Ethics and Conduct to a special subcommittee, who prepared the Code of Ethics and Conduct and amendments to the City Council Policies and Procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council rescinds Resolution 2015-52 and adopts the Revised Procedures for Preparation, Posting and Distribution of Agenda and the Conduct of Public Meetings, attached as Exhibit "A" and Code of Ethics and Conduct, attached as Exhibit "B."

\* \* \* \* \*

The foregoing Resolution 2019-\_\_\_\_\_, was passed and adopted by the Tracy City Council on the 5<sup>TH</sup> day of February, 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**PROCEDURES FOR PREPARATION, POSTING  
AND DISTRIBUTION OF AGENDA  
AND THE CONDUCT OF PUBLIC MEETINGS**

Applicability

The procedures outlined below relating to the preparation, posting and distribution of agendas apply to the City Council, the Successor Agency to the Community Development Agency, the Public Facilities Corporation, the Tracy Operating Partnership Joint Powers Authority, and all City Boards, Commissions, and Committees. The procedures outlined below relating to the conduct of Council meetings apply only to the City Council. All City Council meetings shall be open to the public; however, the City Council may hold closed sessions as authorized by state law.

A. Preparation, Posting and Distribution of Agenda

Purpose of Agenda

The agenda process serves four purposes:

- As a communication mechanism, the agenda informs City staff, City Council, the public and the press.
- As a compliance mechanism, the agenda process ensures compliance with mandated state laws.
- As a decision-making mechanism, the agenda process regularly brings City business to the City Council for consideration and action. Agenda items should contain enough background information so City Council can obtain a full understanding of the issues. The agenda item should conclude with a staff recommendation so City Council has the benefit of staff input prior to making a final decision.
- As a historical reference that can be kept as a record of proceedings and actions as needed for future actions and/or litigation.

Agenda

As set forth above, the purpose of the agenda is to provide a framework within which Council meetings can be conducted and to effectively implement the approved Council programs, goals and budget. Staff shall work within the policies established by Council and not place matters on the agenda that are outside the scope of existing work programs and priorities except as approved by a majority of the Council, or matters necessary to the proper operation and well-being of the City.

The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

Distribution of Agenda

At a minimum the posting and distribution of all agendas shall be done in accordance with the Ralph M. Brown Act ("Brown Act") (California Government Code sections 54950 et seq.).

Procedures for Preparation, Posting and Distribution of Agenda  
and the Conduct of Public Meetings  
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Agendas for regular meetings shall be posted 72 hours prior to the meeting; special meeting agendas shall be posted not less than 24 hours prior to the meeting. All agendas shall be posted in the following locations: City Hall, the library, the City's website, and other locations as may be required by a particular Board or Commission's Bylaws. Posting of agendas at City Hall shall be the official location for purposes of Brown Act compliance.

The agenda packets are provided to City Council Members on the Thursday (or Friday) prior to City Council meeting. Distribution to the staff, public and media shall occur immediately after distribution to the City Council. The City will provide, by mail, a copy of the agenda cover sheet and the specific item relating to any individual and/or company which has an item on any given Council agenda.

Agenda subscriptions are available from the City Clerk's Office, 333 Civic Center Plaza, Tracy, (Tel: 209/831-6105). Copies of the agenda, and of individual agenda items, are available at costs established in the City's Master Fee Schedule. Copies of the agenda are also available at the Library and the agenda is posted on the City's website [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us).

Public Access to Written Materials after the Agenda has been Posted or Distributed at Council Meetings

On occasion, Council may receive written materials either after the Agenda has been posted or at a Council meeting. These written materials are typically related to an agendized item or handed out during Items from the Audience. Upon the Council receiving these written materials they become a public record. For materials related to an agendized item, a copy will be kept on file at the City Clerk's Office and will typically be posted on the City's website under "Materials Distributed at Council Meetings" 48 hours after the Council meeting.

B. Conduct of Council Meetings

Council Meetings

Council meetings are held on the first and third Tuesdays of the month, unless the meeting date falls on a holiday as defined in California Government Code Section 6700. No meeting shall be held on such a holiday, but a regular meeting shall be held at 7:00 p.m. on the next business day thereafter, as required by California Government Code Section 54954. Special meetings are scheduled as necessary.

Council meetings are broadcast live on Channel 26. Reruns of the preceding Council meeting are shown every Wednesday at 8:00 p.m. and every Saturday at 9:00 a.m. on Channel 26. Videotapes and DVD recordings of City Council meetings are available at costs established in the City's Master Fee Schedule.

Order of Business

The suggested order of business of Council meetings shall be as follows. However, the City Manager may make exceptions to the order as needed.

1. Roll Call
2. Pledge of Allegiance
3. Invocation
4. Proclamations and Awards



## Procedures for Preparation, Posting and Distribution of Agenda and the Conduct of Public Meetings

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5. Consent Calendar
6. Continued Public Hearings
7. New Public Hearings
8. Regular Items including Introduction of Ordinances
9. Items from the Audience
10. Staff Items
11. Council Items
12. Adjournment

The regular order of business may be changed or suspended for any purpose at any particular meeting by the Mayor, with the consent of the Council.

The Council may determine whether it will consider any new items after 11:00 p.m. and shall determine which specific items will be considered. If an item is continued due to the lateness of the hour, the item shall be automatically placed on the agenda for the next regularly scheduled City Council meeting unless otherwise scheduled by motion action of the Council.

### Consent Calendar

All items listed on the Consent Calendar are considered to be routine matters or consistent with previous City Council direction. One motion, a second and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

### Public Access/Items from the Audience

It is the policy of the City Council that members of the public be allowed to address the Council on any agenda item or other matter within the Council's jurisdiction. Each member of the public will be allowed a maximum of five minutes for public input or testimony on an agenda item. At the Mayor's discretion, additional time for testimony may be granted. The Mayor shall request that individuals addressing the Council state their names and addresses for the record, to ensure accuracy in the minutes and for contact information. An individual's failure to state his or her name or address shall not preclude the individual from addressing the Council.

The public shall be given an opportunity to speak on "Items of Interest to the Public." Agendas for regular meetings will have one opportunity for "Items from the Audience." The "Items from the Audience" opportunity will have a maximum forty five (45) minute time limit. Each person requesting to speak must fill out and deliver to the City Clerk a "speaker card." Persons will be called up to speak in the order the speaker cards were received by the City Clerk. A three minute maximum time limit per speaker shall apply to all "Items from the Audience." The City Clerk shall be the timekeeper.

### Non-Agenda Items (Items from the Audience and Council Items)

No matters, other than those on the posted agenda, shall be acted upon by the Council. However, items may be added to the agenda (such as emergency matters) as permitted in the Brown Act. Brief announcements, brief responses or questions for clarification, may be made to statements or questions raised on items not on the agenda. Brief responses to correct factual inaccuracies by Council Members shall be limited to two (2) minutes.

Procedures for Preparation, Posting and Distribution of Agenda  
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Action on any item not on the agenda shall be deferred until the item is properly listed on the agenda for a subsequent Council meeting unless added due to an immediate need if permitted under state law.

Council Member Request for Matters to be discussed by Council

Council Members wishing to have a matter discussed by the City Council may request that it be placed on a future City Council agenda during a Council meeting, under "Council Items," or by contacting the City Manager, or his/her designee, via telephone, email, or in person. Upon the request of a Council Member, the item will be placed on a future City Council agenda as long as one other Council Member concurs with the request. The City Manager will determine when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations and the effect on City Council established priorities.

Members of the Public - Request for Agenda Items

When a member of the public raises an item at a Council meeting which requires attention, such items shall be referred to staff for follow-up. If the requesting member of the public is not satisfied with staff's response to his/her question, the member of the public may request a Council Member to sponsor his/her item for discussion at a future Council meeting. In such cases, the sponsoring Council Member shall follow those procedures described under "Council Member Request for Agenda Items." Placing an item from a member of the public on a Council agenda does not imply or guarantee a decision or action different from that taken by staff in the initial follow-up to the question or request.

Public Hearings

Public hearings are required for a variety of City Council actions such as most changes to the Tracy Municipal Code, zoning revisions, some annexations, street vacations, weed abatement, liens, fee increases, etc. Whenever the law provides that publication of a notice shall be made, such notice shall be published in a newspaper of general circulation for the period prescribed, the number of times, and in the manner required. Each speaker will be allowed a maximum of five minutes for public input or testimony. At the Mayor's discretion, additional time for testimony may be granted. The City Clerk shall be the timekeeper.

Presentations to the Council

Letters and written communications: Speakers are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Letters submitted with a request that they be read into the record will be done so only upon a request of the majority of the Council.

PowerPoint (or similar): Staff and members of the public who wish to make PowerPoint, Video or similar presentations to the Council will utilize the City's audio/visual equipment. Staff and members of the public are required to provide the City Clerk's Office with the DVD/CD/Video (or email copy) of the presentation no later than 48 hours prior to the Council meeting. Powerpoints or other video presentations will not be shown during "items from the audience" and will only be shown for agenda items if provided as set forth above. The City reserves the right not to show any powerpoint or video during a Council meeting.

Additionally, eight hard copies of the presentation material shall be provided to the City Clerk's Office for inclusion in the record of the meeting and for distribution to Council, City Attorney and City Manager.

#### Americans with Disabilities Act

The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled. To allow for such reasonable accommodations, persons requiring assistance or auxiliary aids to participate at a City meeting, should contact the City Manager's Office at (209) 831-6000 at least 24 hours prior to the meeting.

#### Workshops

The purpose of a workshop is to inform the policy body on complex issues. Workshops provide an opportunity for the Council to review documents and request additional information. However, no final Council action shall be taken during the workshop on workshop items.

#### Procedure for Invocations

Any member of the public who wishes to offer an invocation prior to the opening of a regular City Council meeting shall contact the City Clerk. The City Clerk shall select a mutually agreeable City Council meeting date for the invocation.

#### Minutes

The City Clerk's office shall be responsible for the preparation and distribution of the Council minutes. The minutes shall include a public report on any action taken and the vote or abstention on such action of each Council Member present for the action. Unless a reading of the minutes is requested by a Council Member, the minutes may be approved as a Consent Calendar item.

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While the Council is in session, all persons shall preserve the order and decorum of the session. The standards of order and decorum shall be governed by common sense. Any person who disrupts the orderly course of the meeting is guilty of an infraction and may be called out of order by the Mayor and barred from further participation during that session of the Council in accordance with the Brown Act and the California Penal Code.

## **CODE OF ETHICS AND CONDUCT CITY OF TRACY**

The City Council of the City of Tracy adopts the following Ethical and Conduct principles, which shall apply to all Council Members, Commissioners, Elected Officials and Appointed Employees:

**DEFINITIONS.** For purposes of this Code of Ethics and Conduct, the following definitions shall apply:

(1) Commissioner. Commissioner means an appointed board or commission member for any board or commission created by the City and specifically includes advisory boards or commissions.

(2) Elected Official means City Treasurer.

(3) Appointed Employees means City Manager and City Attorney.

(4) Office holder means any Mayor, Council Member, Commissioner, Elected Official or Appointed Employee during the term of their office.

### **I. CORE VALUES AND PRINCIPLES.**

The City Council agrees that the following are Core Values and Principles of the City of Tracy:

#### **A. LAW AND ORDER**

1. The office holder shall obey the laws and guidelines set forward by the Fair Political Practices Commission and the City Council.
2. The office holder should be courteous and respectful to Council Members, staff and members of the public.

#### **B. PUBLIC TRUST AND CONFIDENCE IN GOVERNMENT**

1. The office holder shall not make false allegations that may promote erosion of confidence.
2. The office holder shall conduct themselves in a courteous and respectful manner at all times during the performance of their official City duties.
3. The office holder should not encourage distrust or discord against the City, City Council or staff.

4. The office holder should refrain from criticizing fellow Council Members from the dais.
5. The office holder should refrain from publically criticizing City administration and staff.

C. INTEGRITY/ HONESTY

1. The office holder shall be honest with fellow elected officials, the public and others.
2. The office holder should vote their conscience.
3. The office holder should be willing to credit others' contributions to moving our community's interests forward.
4. The office holder should not knowingly use false or inaccurate information to promote a position.
5. The office holder should safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

D. RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS

1. The office holder shall not accept gifts, services or other special considerations because of his or her public position.
2. The office holder shall not give special treatment or consideration to any individual or group beyond that available to any other individual.
3. The office holder shall refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance his/her financial or other personal interests.

E. FAIRNESS/ACCOUNTABILITY

1. The office holder shall treat all persons, claims and transactions in a fair and equitable manner.
2. If the office holder receives substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, the office holder shall publicly share it with the Council or Commission and staff.
3. The office holder should work to contribute to a strong organization that exemplifies transparency and open communication.
4. The office holder should promote meaningful and constructive public involvement in the agency's decision-making processes.

**F. RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC**

1. The office holder shall respect the distinction between the role of office holder and staff.
2. The office holder shall encourage full participation of all persons and groups; the office holder is aware of and observes important celebrations and events which reflect the values of our diverse population.
3. The office holder should treat fellow officials, staff and the public with patience, courtesy and civility, even when there is disagreement on what is best for the community.
4. The office holder should work towards consensus building and gain value from diverse opinions.

**G. PROPER AND EFFICIENT USE OF PUBLIC RESOURCES**

1. The office holder shall not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
2. The office holder shall make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
3. The office holder shall demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
4. The office holder shall be a prudent steward of public resources and should actively consider the impact of decisions on the financial and social stability of the City and its residents.

**II. ROLES AND RESPONSIBILITIES.**

The power and duties of the entire City Council include:

1. Holding regular meetings at least twice per month.
2. Being educated and informed regarding City business and upcoming agenda items.
3. Administering oaths and affirmations in any investigation or proceeding, to compel attendance of witnesses, to examine them under oath.
4. Adopting ordinances and resolutions.
5. Deciding appeals from various departments, such as zoning or citations.
6. Approving City contracts or authorizing the City Manager to bind the City.

7. Providing for the sale or exchange of real or personal property not needed in City service by ordinance or resolution.
8. Appointing the City Manager and City Attorney and setting their compensation.
9. Removing the City Manager or City Attorney as set forth in the Tracy Municipal Code and the employment agreement with that individual.
10. Refraining from interference with the administrative service, except for the purpose of inquiry. The City Council must deal with the administration of City services through the City Manager.
11. Providing by ordinance or resolution for the organization, conduct and operation of the various offices and departments of the City.
12. Controlling all legal business of the City.
13. Designating depositories for City funds.
14. Fixing by ordinance or resolution amounts and terms of official bonds of all officials or employees.
15. Refraining from having any conflict of interest in any transaction of the City.
16. Appointing to and creating the various boards and commissions of the City.
17. Establishing by ordinance, resolution or policies a comprehensive personnel system.
18. After public hearings, adopting the annual budget of the City. At subsequent meetings, the City Council may amend or supplement the budget.
19. Establishing the procedure for assessing, levying and collecting taxes upon property within the City.
20. Incurring bonded indebtedness for the City.
21. Providing for an independent audit of the City each fiscal year.
22. By ordinance, regulating the granting of franchises.
23. Annually delegate the investment authority to the City Treasurer.

### **III. ROLE OF THE COUNCIL MEMBER.**

As individuals, Council Members have no administrative authority. They cannot give orders or otherwise supervise City employees. The Council, acting collectively, has complete authority over the City Manager in the City. This authority is generally restricted to establishing policies to be performed by the City Manager.

The major areas of Council authority and responsibility are:

1. Setting and interpreting rules governing its own proceedings.

2. Exercising all the powers of cities that the law does not delegate to others.
3. Legislating for the City.
4. Directing the enforcement of City ordinances.
5. Appointing City Manager and City Attorney.
6. Transacting City business.
7. Managing the City's financial operations.
8. Appointing members of the boards.
9. Conducting the City's intergovernmental affairs.

#### **IV. ROLE OF THE MAYOR.**

The Mayor is the presiding officer and a regular member of the City Council. The Mayor has all the powers and duties for the office of Council Member in addition to the following:

1. Official head of the City
2. The Mayor serves as the City's representative before the Legislature, federal agencies, and other local governments.
3. Executing official documents.
4. Power to make some appointments.
5. Presiding officer at Council meetings.
6. Declaring local emergencies.
7. Calling Special Meetings.

#### **V. CONDUCT OF COUNCIL AND PUBLIC DURING PUBLIC MEETINGS.**

The Council and all Commissions shall adopt Roberts Rules of Order and shall follow them at all meetings. The Council shall limit the time of discussion and debate to five minutes per Council Member. Clarifying questions shall also be limited to five minutes per Council Member, unless the chair allows additional time.

The Council shall have only one public comment period, which shall be placed after all business items. No person shall be allowed to speak unless a speaker card is filled out. Speaker cards are to be given to the City Clerk and will be accepted until the Council item immediately prior to the public comment period is opened. Public comment is limited to three (3) minutes per speaker and forty-five (45) minutes for the total public comment period. Speakers will be called up in the order the speaker cards were received by the City Clerk. At the end of the public comment period, no further speakers will be



recognized. The chair shall have the discretion to extend the speaking period of any individual speaker, which shall also extend the total public comment period by the same amount of time. A Council Member may briefly respond to provide factual corrections to the record. Such a brief response shall not exceed two minutes.

A time for public announcements may be placed on the agenda, if the request for a public announcement is received prior to the posting of the agenda.

**VI. CONFLICT OF INTERESTS.**

Appointed Employees, Commissioners, Elected Officials and Council Members shall comply with all state laws and regulations as promulgated by the Fair Political Practices Commission.

Appointed Employees, Commissioners, Elected Officials and Council Members should refrain from applying for and entering into contracts with the City, except as allowed by the Tracy Municipal Code.

**VII. CITY MANAGER FORM OF GOVERNMENT.**

The Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager.

**VIII. GOVERNANCE SUBCOMMITTEE.**

A permanent subcommittee of the Council shall be established, known as the Governance subcommittee. This subcommittee shall consist of two Council Members, selected by the Council, and will be responsible for review of Boards and Commissions, to report back to Council on the continuing viability and necessity of such Boards and Commissions, as well as recommendations to either create or dissolve any City Board or Commission. Additionally, the subcommittee will be responsible for recommending ongoing updates to the Code of Ethics and Conduct and procedures of Council.

**IX. COMPLIANCE AND ENFORCEMENT.**

This Code of Ethics and Conduct outlines standards of ethical conduct expected for members of the City Council, Elected Officials, Appointed Employees, and Commissioners. The chairs of Boards and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention. These

sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law.

A. COUNCIL MEMBERS:

Council Members who intentionally and repeatedly fail to follow conduct of this Code may be reprimanded or formally censured by the Council, lose committee assignments (both within the City and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics and Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Council Members should privately point out to the offending Council Member perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Mayor Pro Tem. It is the responsibility of the Mayor (or Mayor Pro Tem) to initiate action if a Council Member's behavior may warrant sanction. If no action is taken by the Mayor (or Mayor Pro Tem), then the alleged violation(s) can be brought up with the full Council at the request of two (2) Council Members. The Mayor or Council shall request the City Manager or the City Attorney to hire an outside investigator to investigate the allegation and report the findings to the Council.

Only the affected Council Member or Mayor is authorized to request from the City Attorney an opinion from the Fair Political Practices Commission ("FPPC") or Attorney General ("AG"). Council Members shall not request FPPC or AG opinions on other Council Members, Commissioners or Elected Officials through City staff or the City Attorney.

B. COMMISSIONERS AND ELECTED OFFICIALS:

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Commissioners or Elected Officials failing to comply with City policy. These lower levels of sanctions should be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Commissioners whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of the

Council at a noticed public meeting and such action shall be preceded by a memo to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of the Commissioner's or Elected Official's conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall request the City Manager or the City Attorney to hire an outside investigator to investigate the allegation and report the findings to the Council.

C. APPOINTED EMPLOYEES:

Appointed Employees agree that the following are Core Values and Principles of the City of Tracy specifically applying to their positions:

1. LAW AND ORDER

- a. Appointed Employees shall obey the laws and guidelines set forward by the Fair Political Practices Commission and the City Council.
- b. Appointed Employees should be courteous and respectful to Council Members.

2. PUBLIC TRUST AND CONFIDENCE IN GOVERNMENT

- a. Appointed Employees shall not make false allegations or provide false information that may promote erosion of confidence.
- b. Appointed Employees shall conduct themselves in a courteous and respectful manner at all times during the performance of their official City duties.
- c. Appointed Employees shall not encourage distrust or discord against the City, City Council or staff.
- d. Appointed Employees should refrain from criticizing Council Members from the dais.
- e. Appointed Employees should refrain from publicly criticizing City Council, administration and staff.

3. PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- a. Appointed Employees shall not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.

- b. Appointed Employees shall make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- c. Appointed Employees shall demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- d. Appointed Employees shall be prudent stewards of public resources and should actively consider the impact of decisions on the financial and social stability of the City and its residents.

Any violation of this code by the City Manager or City Attorney (Appointed Employees) shall be resolved as set forth in the individual's employment contract.

AGENDA ITEM 6.A

REQUEST

**APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS TO VACANCIES ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE**

EXECUTIVE SUMMARY

This item requests that Council appoint two members to a subcommittee to interview applicants to fill three vacancies on the Measure V Residents' Oversight Committee. Two of the vacancies are due to term expirations on March 1, 2019 and one is due to a member resigning recently.

DISCUSSION

The Measure V Residents' Oversight Committee was created on March 1, 2017, to serve in an advisory capacity to City Council and to oversee the revenues and expenses pertaining to the portion of the sales tax generated by Measure V. The City of Tracy began collection of the sales tax generated by Measure V on April 1, 2017. The authority to levy the tax imposed will expire on April 1, 2037. On March 1, 2019, the terms of two Committee members will expire. Additionally, on January 25, 2019, the City Clerk's office received a letter of resignation from Committee member Amer Hammudi .

The upcoming vacancies were advertised on December 27, 2018, and the recruitment was extended and revised to include Mr. Hammudi's vacated seat. The recruitment will close on February 12, 2019. As of January 28, 2019, three applications have been received by the City Clerk's office.

In accordance with Resolution No. 2004-152, a two-member subcommittee needs to be appointed to interview the applicants and make a recommendation to the full Council.

STRATEGIC PLAN

This item is a routine operational item and does not relate to any of the Council's strategic plans.

FISCAL IMPACT

No fiscal Impact.

RECOMMENDATION

That Council appoint a two-member subcommittee to interview applicants to fill two upcoming vacancies on the Measure V Residents' Oversight Committee.

Prepared by: Adrienne Richardson, City Clerk

Reviewed by: Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager

February 5, 2019

AGENDA ITEM 6.B

REQUEST

**DISCUSS AND PROVIDE DIRECTION ON THE CITY OF TRACY AND THE TRACY CHAMBER OF COMMERCE AS IT RELATES TO THE ANNUAL STATE OF THE CITY EVENT**

DISCUSSION

The City of Tracy and the Tracy Chamber of Commerce partner on an annual basis to host the State of the City event. The State of the City is considered a fundraising event for the Chamber, and revenue is generated through event ticket sales and sponsorships. Recent discussions have questioned if there should be a charge for the event or if it should be a free event to the public.

FISCAL IMPACT

There is no fiscal impact associated with the discussion of this item at this time.

RECOMMENDATION

That the City Council discuss and provide direction to staff as it relates to the annual State of the City event.

Prepared by: Andrew Malik, Assistant City Manager

Approved by: Midori Lichtwardt, Assistant City Manager