



# City Council, Special Meeting/Study Session

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## AGENDA

February 13, 2012

6:30 pm – **9:30 pm**  
Council Chambers

### Call to Order

### Roll Call/Pledge of Allegiance

### Approval of Agenda

### Public Comment

**Note:** *This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.*

### New Business

1. Resolution: of the Sammamish City Council Changing the Name of 233<sup>rd</sup> Avenue NE to Stan Chapin Way
2. Considering Support of Governor's Petition to Reclassify cannabis for medical use from a Schedule I Controlled Substance to a Schedule II

### STUDY SESSION

- Solicitor Licensing Requirements
- Connectivity Update (including SE 32<sup>nd</sup> Street Traffic Data Results)
- Transportation Level of Service

### Council Reports

### City Manager Report

- Recreation Center Secondary Access Update

### Adjournment

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.





# City Council Agenda Bill

**Meeting Date:** February 13, 2012

**Date Submitted:** February 1, 2012

**Originating Department:** Public Works

**Clearances:**

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

**Subject:** Renaming 233<sup>rd</sup> Avenue NE

**Action Required:** City Council approval of attached Resolution R2012-XXX renaming 233<sup>rd</sup> Avenue NE between NE 8<sup>th</sup> Street and the new entrance to Eastlake High School

**Exhibits:** 1. Copy of Resolution R2012-XXX.

**Budget:** No budget impact – if approved, the cost of changing the street name signs can be absorbed within the currently adopted 2012 budget.

**Summary Statement:**

In honor of our recently lost Deputy Stan Chapin, staff is requesting Council approval to rename 233<sup>rd</sup> Avenue NE between NE 8<sup>th</sup> Street and the new entrance to Eastlake High School "STAN CHAPIN WAY".

**Background:**

Lake Washington School District is currently working on expanding their Eastlake High School. As part of the expansion they are constructing a new entrance to the north side of campus off of 233<sup>rd</sup> Avenue NE. The city is working closely with the school district and has committed to constructing the intersection improvements at NE 8<sup>th</sup> Street and 233<sup>rd</sup> Avenue NE.

Deputy Stan Chapin was the school resource officer at both Eastlake High School and Inglewood Junior High. He was highly regarded and loved by both staff and students. Deputy Chapin died unexpectedly at his home January 30, 2012.

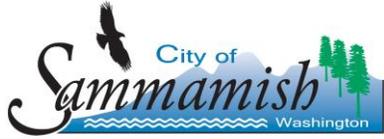
The city and the school district would like to find a way to honor his legacy for generations to come.

**Financial Impact:**

There is no financial impact associated with adoption of this resolution. There will be minor costs associated with the fabrication and installation of the new signs. These costs can be covered by the currently adopted 2010 Street Fund (Fund 101) budget.

**Recommended Motion:**

Move to approve Resolution R2010-XXX renaming 233<sup>rd</sup> Avenue NE between NE 8<sup>th</sup> Street and the new entrance to Eastlake High School "CHAPIN WAY".



# City Council Agenda Bill

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**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO: R2012-XXX**

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**A RESOLUTION OF THE CITY OF SAMMAMISH CITY COUNCIL CHANGING THE  
NAMES OF 233<sup>rd</sup> AVENUE NE**

WHEREAS, the City of Sammamish has an existing street network; and

WHEREAS, said street network has established names and numbering used for addressing; and

WHEREAS, the Lake Washington School District is currently constructing a second entrance to the Eastlake High School as part of their campus improvement project; and

WHEREAS, Deputy Stan Chapin was the school resource officer; and

WHEREAS, Deputy Stan Chapin died unexpectedly at his home on January 30, 2012; and

WHEREAS, both the City and the Lake Washington School District desire to honor Deputy Chapin by remaining 233<sup>rd</sup> Avenue NE between NE 8<sup>th</sup> Street and the new Eastlake High School entrance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,  
WASHINGTON, DO RESOLVE AS FOLLOWS:**

233<sup>rd</sup> Avenue NE south of NE 8<sup>th</sup> Street to the entrance of Lake Washington School District's Eastlake High School shall be renamed "STAN CHAPIN WAY".

**ADOPTED BY THE CITY COUNCIL AT THEIR MEETING THEREOF ON THE 7<sup>th</sup>  
DAY OF FEBRUARY, 2012.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Thomas T. Odell

Exhibit 1

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

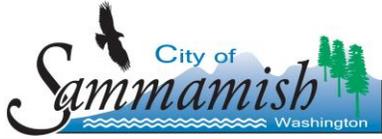
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Bruce L. Disend, City Attorney

Filed with the City Clerk: February 1, 2012

Passed by the Council:

Resolution No:



# City Council Agenda Bill

**Meeting Date:** February 13, 2012

**Date Submitted:** February 10, 2012

**Originating Department:** City Manager

**Clearances:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> City Manager   | <input type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Attorney       | <input type="checkbox"/> Finance & IT          | <input type="checkbox"/> Police             |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Fire                  | <input type="checkbox"/> Public Works       |

**Subject:** Regarding Governor Gregoire's petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II

**Action Required:**

1. Authorize the Mayor to Sign the Association of Washington Cities (AWC) Mayor's Letter of Support
2. Authorize the Suburban Cities Association (SCA) Public Issues Committee Representative to support their letter of support to reclassify cannabis.

**Exhibits:**

1. SCA Memo Regarding Reclassification
2. SCA Draft Letter to Director of Drug Enforcement Administration
3. SCA Draft Resolution in Support of Reclassification
4. AWC Letter of Mayor's Support
5. Washington Lawmakers Letter of Support
6. Senate Joint Memorial 8017

**Budget:** Na/

## Summary Statement

Governor Christine Gregoire has filed with the US Drug Enforcement Administration a petition seeking to reclassify marijuana from a Schedule I drug (which has no known medical purpose and cannot be dispensed) to a Schedule II drug (which can be dispensed).

## Background

In 1998, the voters of Washington State approved Initiative 692, which permitted the use of marijuana for patients who had debilitating or terminal illnesses. In 2011 the Legislature passed E2SSB 5073 which established a regulatory system for producing, processing and dispensing marijuana for medical use. Our state's US Attorneys have indicated that the federal government would prosecute "vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity that involves marijuana, even if such activities are permitted under state law". This has led to confusion and doubt for Washington cities. Reclassifying marijuana would allow it to be prescribed and dispensed like any other Schedule II drug, thereby eliminating the current ambiguity in state versus federal law.

**Financial Impact:** N/A



## City Council Agenda Bill

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**Recommended Motion:** Motion to authorize the Mayor to Sign the Association of Washington (AWC) Cities Mayor's Letter of Support and authorize the Suburban Cities Association (SCA) Public Issues Committee (PIC) Representative to support the SCA letter of support to reclassify cannabis



## MEMO

**TO:** Suburban Cities Association Public Issues Committee (PIC) Members  
SCA Board of Directors

**FROM:** Deanna Dawson  
Executive Director, Suburban Cities Association (SCA)

**RE:** Proposal to Reclassify Marijuana/Cannabis as a Schedule II Drug

**DATE:** February 9, 2012

At the February 8, 2012 Public Issues Committee (PIC) Meeting, the PIC heard a brief presentation on a petition that Governor Gregoire had filed with the U.S. Drug Enforcement Administration (DEA) seeking to have marijuana reclassified as a Schedule II drug under the Controlled Substances ACT (CSA). The PIC asked to have a full presentation on the proposal at the March 2012 PIC meeting, and voted unanimously to consider taking a position in support of the proposal. The purpose of this memo is to give PIC members additional background on the proposal, so that they can get feedback from their councils and staff prior to the March 7, 2012 PIC meeting.

### **Background:**

As Regional Law Safety and Justice (RLSJ) Vice Chair John Partridge of Auburn pointed out at the February PIC meeting, possession of marijuana/cannabis is illegal.

Marijuana/cannabis is currently classified as a Schedule I drug, which means that, according to the U.S. Drug Enforcement Administration (DEA), it has no currently accepted medical use in treatment in the United States and therefore may not be prescribed, administered, or dispensed for medical use.

In 1998, the voters in Washington State approved Initiative 692. The stated purpose of the Initiative was to permit the use of marijuana for patients who had debilitating or terminal illnesses. Initiative 692 was subsequently codified as RCW 69.51A. The Initiative did not strictly speaking “legalize” marijuana/cannabis, but rather created an affirmative defense, and protection from arrest and prosecution, for qualified patients and designated caregivers under Washington State law.

In 2011, the Legislature passed E2SSB 5073. The intent of the bill was to establish a regulatory system for producing, processing, and dispensing marijuana/cannabis for

medical use. The bill required the State to authorize and license commercial businesses that produce, process or dispense marijuana/cannabis, and to develop a registration system for said producers, processors, and dispensers.

In 2011, Governor Gregoire sought guidance from our state's United States Attorneys, Mike Ormsby and Jenny Durkan. In a letter in response to the Governor, they have indicated that the federal government would prosecute "vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity involving marijuana, even if such activities are permitted under state law."

Citing concerns that state workers could be prosecuted under federal law, Governor Gregoire vetoed these portions of E2SSB 5073. The Governor did not veto portions of the bill relating to "collective gardens." However, she did veto the "definitions" section of the bill.

The resulting regulatory scheme has led to much confusion for cities. The legality of marijuana dispensaries is in doubt under Washington State law. A handful of cities adopted zoning regulations relating to medical marijuana collective gardens, while many cities have passed zoning moratoria on dispensaries and/or collective gardens. The result is a patchwork of ordinances and regulations across the state, and King County.

SB 6265, currently pending before the legislature, seeks to clarify some of the ambiguity and to put in place a statewide regulatory scheme. But possession of marijuana/cannabis is still unlawful under federal law. Federal law effectively "trumps" state law, and no action by the Washington State Legislature would (or could) make marijuana use lawful under federal law.

### **The Governor's Petition**

On November 30, 2011, Governor Gregoire and Governor Lincoln Chafee (I-RI) filed a petition with the DEA seeking to have marijuana/cannabis reclassified as a Schedule II drug, which would allow it to be prescribed by doctors and filled by pharmacists. A copy of the petition is attached to this memo.

As noted above, marijuana/cannabis is currently classified as a Schedule I controlled substance under the CSA, which means that, according to the DEA, it has no currently accepted medical use in treatment in the United States and therefore may not be prescribed, administered, or dispensed for medical use. In contrast, drugs listed in Schedules II-V have some accepted medical use and may be prescribed, administered, or dispensed for medical use, with controls. No prescriptions may be written for Schedule I substances.

A comparison of the controlled substances classified as Schedule I versus Schedule II is revealing. While marijuana/cannabis is classified as a Schedule I, many other drugs with a high potential for abuse are designated as Schedule II, including opium, methadone, methamphetamine, oxycodone, and cocaine.

The Federal Drug Administration (FDA) has not reviewed marijuana's classification since 2006. In the meantime, there has been much new research and analysis of marijuana/cannabis. The petition filed by Governors Gregoire and Chafee is backed by a substantive science-based report that has been peer reviewed and cites more than 700 independent references, many of which are new science since 2006. Both the Washington State Medical Association and the Washington State Pharmacy support reclassification of marijuana/cannabis. And the American Medical Association (AMA) recently reversed its earlier position, and now supports investigation and clinical research of marijuana/cannabis for medicinal use.

If marijuana/cannabis were reclassified as a Schedule II drug, it could be prescribed and dispensed like any other drug. The documents supporting the Governor's petition note that with modern DNA analysis, it is relatively simple to determine the beneficial compounds contained in marijuana/cannabis. A compounding pharmacist could quantify the appropriate level of cannabinoids, and use an appropriate cannabis blend to create a customized medication for a patient. This is known as the "pharmacy model."

The appeal of this model is that it the pharmacy system in the United States is already heavily regulated, and is well suited for providing controlled access to drugs for legitimate medical use. In addition, pharmacies provide safe, reliable access to medication to patients in need. This model would provide reasonable access to medication, while providing a relatively high level of government oversight.

More details on this proposal to reclassify cannabis/marijuana are contained in attachments to the Governor's petition, and we will provide an in-depth presentation on the proposal at the PIC meeting on March 7, 2012.

### **Support for the Proposal to Reclassify Cannabis**

On January 26, 2012, a bipartisan coalition of 42 Washington legislators signed a letter to the DEA supporting the Governor's petition. A copy of that letter is attached to this memo. Both Republican and Democrat lawmakers from King County signed on to the letter.

Senator Jeanne Kohl-Welles has also introduced Senate Joint Memorial 8017 making the same request to reclassify medical marijuana. A copy of Senate Joint Memorial 8017 is attached to this memo.

At the Association of Washington Cities (AWC) Legislative Action Conference on January 25, 2012, Governor Gregoire asked cities to sign on in support of her proposal to reclassify marijuana/cannabis. In a letter dated January 26, 2012, several mayors (including the mayors of four King County cities) urged the DEA to immediately initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug. A copy of that letter is attached to this memo.

At the March 7, 2012, the PIC may consider recommending that SCA take a similar position in support of reclassification. Attached to this memo is a draft resolution in support of reclassification for the PIC's consideration. Also attached is a draft letter on behalf of Suburban Cities Association to DEA Administrator Michele Leonhart in support of reclassification.

## **Conclusion**

The current law in Washington State with regards to medical marijuana has created public safety and land use challenges for cities. Even if new legislation is passed in this legislative session, the fact remains that marijuana possession is illegal under federal law. At the same time, the voters of the State of Washington have expressed a clear intent to provide for access to marijuana for medicinal purposes for patients with terminal or debilitating conditions. Until and unless the conflict between state and federal law is resolved, cities will continue to face these challenges.

If you have any questions or would like additional information, please do not hesitate to contact SCA Executive Director Deanna Dawson at (206) 433-7170 or [Deanna@suburbancities.org](mailto:Deanna@suburbancities.org).

## **Attachments:**

- November 30, 2011 Petition from Governors Gregoire and Chaffee in support of reclassifying cannabis for medical use from a Schedule I controlled substance to a Schedule II (with attachments)
- January 26, 2012 letter from legislators in support of reclassification
- of Senate Joint Memorial 8017
- January 26, 2012 letter from mayors in support of reclassification
- Draft SCA resolution in support of reclassification
- Draft SCA letter to DEA Administrator Leonhart in support of reclassification



Suburban Cities Association  
6300 Southcenter Blvd, Suite 206  
Tukwila, WA 98188  
(206) 433-7168

March 7, 2012

Michele Leonhart, Administrator  
Drug Enforcement Administration  
Attn: Administrator  
8701 Morrisette Drive  
Springfield, VA 22152

**RE: *Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II***

Dear Administrator Leonhart:

On behalf of the Suburban Cities Association, we write in support of the petition that Governor Christine Gregoire and Governor Lincoln Chaffee recently submitted to initiate rulemaking proceedings for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the Controlled Substances Act (CSA).

The Suburban Cities Association (SCA) is a nonprofit association representing the suburban cities of King County, Washington. Its members collectively represent nearly one million constituents. SCA was founded in the 1970s to help cities with populations of under 150,000 act locally and partner regionally to create vital, livable communities through networking, advocacy, education, and leadership.

As Mayors and Councilmembers, we need resolution regarding the legality of medical cannabis. While the voters of our state have passed an initiative allowing for the use of cannabis for medical purposes, our state's United States Attorneys Mike Ormsby and Jenny Durkan have indicated that the federal government would prosecute "vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity involving marijuana, even if such activities are permitted under state law."

As a result, cities are caught in the middle. The conflict between state and federal law has created confusion for local law enforcement, and addressing the land use challenges created by the conflict has cost our cities considerable time and resources. In an effort to help resolve this conflict and ease the public safety and regulatory burdens on cities, SCA has adopted a resolution in support of reclassification of medical marijuana/cannabis.

Ultimately, the solution lies with the federal government. If cannabis were reclassified as a Schedule II drug under the CSA, qualified patients who follow the law could obtain medical cannabis just like they receive other medications – through a prescription written by a physician, dispensed by a pharmacist. The medical community supports reclassification, and the petition filed by Governors Gregoire and Chaffee provides substantiated peer-reviewed scientific evidence in support of the reclassification. We therefore urge the DEA to initiate rulemaking proceedings to reclassify cannabis for medical use from a Schedule I to a Schedule II drug.

Thank you for your consideration.

Sincerely,

cc: The Honorable Eric Holder, U.S. Attorney General  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services  
The Honorable Margaret Hamburg, M.D., FDA Commissioner

DRAFT



**A RESOLUTION OF THE SUBURBAN CITIES ASSOCIATION  
IN SUPPORT OF RECLASSIFYING CANNABIS FOR MEDICAL USE FROM  
A SCHEDULE I CONTROLLED SUBSTANCE TO A SCHEDULE II**

**WHEREAS** the voters of the State of Washington approved Initiative 692 in 1998, the stated purpose of which was to permit the use of marijuana for patients who had debilitating or terminal illnesses; and

**WHEREAS** possession of marijuana/cannabis remains unlawful under federal law, and marijuana/cannabis is currently classified as a Schedule I controlled substance, meaning that according to the U.S. Drug Enforcement Administration (DEA), it has no currently accepted medical use in treatment in the United States and therefore may not be prescribed, administered, or dispensed for medical use; and

**WHEREAS** this conflict between state and federal law has placed the cities of King County in an untenable situation, and has created both public safety and land use regulation challenges for cities; and

**WHEREAS** the Washington State Medical Association and the Washington State Pharmacy and other institutions support reclassification of marijuana/cannabis; and

**WHEREAS** Governor Gregoire has filed a petition with the DEA seeking to initiate rulemaking proceedings to reclassify medical marijuana/cannabis as a Schedule II controlled substance, backed by substantiated peer-reviewed scientific evidence; and

**WHEREAS** reclassification of medical marijuana/cannabis would allow qualified patients to obtain medication through the traditional and safe method of physician prescribing and pharmacy dispensing; and

**WHEREAS** such a system would remove legal ambiguities, and remove substantial law enforcement and regulatory burdens from cities;

**NOW THEREFORE BE IT RESOLVED** the Suburban Cities Association supports reclassification of marijuana/cannabis as a Schedule II drug under the Controlled Substances Act, and urges the DEA to initiate rulemaking proceedings to reclassify marijuana/cannabis.

Dated this \_\_\_\_ Day of \_\_\_\_\_, 2012.

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On behalf of Suburban Cities Association





January 26, 2012

Michele Leonhart, Administrator  
Attn: Administrator  
8701 Morrissette Drive  
Springfield, VA 22152

**Subject: *Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II***

Dear Administrator Leonhart:

We write in support of the petition that Governor Gregoire and Governor Chafee recently submitted to initiate rulemaking proceedings for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the CSA.

As Mayors responsible for upholding the laws of our community, state and federal government, we need resolution regarding the legality of medical cannabis. We are caught in the middle of the desire expressed by the residents of our state to see cannabis available for medical use and the federal government's absolute inflexibility in regards to the medical benefits of cannabis. It is an untenable situation for our communities and has cost our cities significant time and resources to address.

We sympathize with patients suffering from serious medical conditions who could benefit from medical use of cannabis and do not have a safe and consistent source of the drug. The divergence in state and federal law creates a situation where there is no regulated and safe system to supply legitimate patients who may need medical cannabis. The federal government could quickly solve the issue if it reclassified cannabis for medical use from a Schedule I drug to a Schedule II drug, which we believe the petition provides substantiated peer-reviewed scientific evidence to support.

The solution lies with the federal government. We urge the DEA to immediately initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug so qualifying patients who follow state law may obtain the medication they need through the traditional and safe method of physician prescribing and pharmacy dispensing.

This letter reflects the support of those cities who have signed and not all cities within the State of Washington. Thank you for your consideration.

Sincerely,

  
Lisa Walters  
Mayor, City of Battle Ground

  
Craig George  
Mayor, City of Dayton

  
Carrie Lacher  
Mayor, Town of Friday Harbor

  
Margaret Harto  
Mayor, City of Covington

  
Dave Earling  
Mayor, City of Edmonds

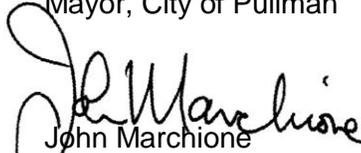
  
Ava Frisinger  
Mayor, City of Issaquah

  
Suzette Cooke  
Mayor, City of Kent

  
Glenn Johnson  
Mayor, City of Pullman

  
Marilyn Strickland  
Mayor, City of Tacoma

  
Dorothy Slagle  
Mayor, City of Kettle Falls

  
John Marchione  
Mayor, City of Redmond

  
Pete Kmet  
Mayor, City of Tumwater

  
Joe Marine  
Mayor, City of Mukilteo

  
Mike Anderson  
Mayor, City of Sedro-Woolley

cc: The Honorable Eric Holder, U.S. Attorney General  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services  
The Honorable Margaret Hamburg, M.D., FDA Commissioner



## Washington State Legislature

January 26, 2012

Michele Leonhart, Administrator  
Drug Enforcement Administration  
Attn: Administrator  
8701 Morrissette Drive  
Springfield, VA 22152

**Subject: *Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II***

Dear Administrator Leonhart:

We write in support of the petition that Governor Chafee and Governor Gregoire recently submitted to initiate rulemaking proceedings for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the CSA.

We are also concerned that qualifying patients with serious medical conditions who could benefit from medical use of cannabis do not have a safe and consistent source of their medicine that has been recommended by a licensed health care professional in our state. The divergence in state and federal law creates a situation where there is no regulated and safe system to supply legitimate patients who may need medical cannabis. More to the point, it is clear that the long-standing classification of medical use of cannabis in the United States as an illegal Schedule I substance is fundamentally flawed and should be changed. The federal government could quickly solve the issue if it were to reclassify cannabis for medical use from a Schedule I drug to a Schedule II drug so that it can be prescribed, which we believe the petition provides substantiated peer-reviewed scientific evidence to support.

The solution lies ultimately with the federal government. We urge the DEA to initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug so qualifying patients who follow state law may obtain the medication they need through the traditional and safe method of physician prescribing and pharmacy dispensing.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Kohl-Welles".

Senator Jeanne Kohl-Welles  
Washington State Senate – 36<sup>th</sup> District



## Washington State Legislature

Handwritten signature of Karen Keiser in black ink.

Senator Karen Keiser  
Washington State Senate – 33<sup>rd</sup> District

Handwritten signature of Roger Goodman in black ink.

Representative Roger Goodman  
Washington State House of Representatives – 45<sup>th</sup> District

Handwritten signature of Rodney Tom in black ink.

Senator Rodney Tom  
Washington State Senate – 48<sup>th</sup> District

Handwritten signature of Dave Upthegrove in black ink.

Representative Dave Upthegrove  
Washington State House of Representatives – 33<sup>rd</sup> District

Handwritten signature of Joe Fitzgibbon in black ink.

Representative Joe Fitzgibbon  
Washington State House of Representatives – 34<sup>th</sup> District

Handwritten signature of Maralyn Chase in black ink.

Senator Maralyn Chase  
Washington State Senate – 32<sup>nd</sup> District



## Washington State Legislature

Handwritten signature of Representative Jim Moeller in black ink.

Representative Jim Moeller  
Washington State House of Representatives – 49<sup>th</sup> District

Handwritten signature of Senator David Frockt in black ink.

Senator David Frockt  
Washington State Senate – 46<sup>th</sup> District

Handwritten signature of Representative Paul Harris in black ink.

Representative Paul Harris  
Washington State House of Representatives – 17<sup>th</sup> District

Handwritten signature of Senator Margarita Prentice in black ink.

Senator Margarita Prentice  
Washington State Senate – 11<sup>th</sup> District

Handwritten signature of Senator Nick Harper in black ink.

Senator Nick Harper  
Washington State Senate – 38<sup>th</sup> District

Handwritten signature of Representative Timm Ormsby in black ink.

Representative Timm Ormsby  
Washington State House of Representatives – 3<sup>rd</sup> District



## Washington State Legislature

A handwritten signature in black ink, appearing to read "John McCoy".

Representative John McCoy  
Washington State House of Representatives – 38<sup>th</sup> District

A handwritten signature in black ink, appearing to read "Andy Billig".

Representative Andy Billig  
Washington State House of Representatives – 3<sup>rd</sup> District

A handwritten signature in black ink, appearing to read "Sherry Appleton".

Representative Sherry Appleton  
Washington State House of Representatives – 23<sup>rd</sup> District

A handwritten signature in black ink, appearing to read "Sharon K. Nelson".

Senator Sharon Nelson  
Washington State Senate – 34<sup>th</sup> District

A handwritten signature in black ink, appearing to read "Ed Murray".

Senator Ed Murray  
Washington State Senate – 43<sup>rd</sup> District

A handwritten signature in black ink, appearing to read "Marcie Maxwell".

Representative Marcie Maxwell  
Washington State House of Representatives – 41<sup>st</sup> District



## Washington State Legislature

*Jeannie Darneille*

Representative Jeannie Darneille  
Washington State House of Representatives – 27<sup>th</sup> District

*Debbie Regala*

Senator Debbie Regala  
Washington State Senate – 27<sup>th</sup> District

*Jamie Pedersen*

Representative Jamie Pedersen  
Washington State House of Representatives – 43<sup>rd</sup> District

*Chris Reykdal*

Representative Chris Reykdal  
Washington State House of Representatives – 22<sup>nd</sup> District

*Steve Conway*

Senator Steve Conway  
Washington State Senate – 29<sup>th</sup> District

*Andy Hill*

Senator Andy Hill  
Washington State Senate – 45<sup>th</sup> District



## Washington State Legislature

Handwritten signature of Sam Hunt in black ink.

Representative Sam Hunt  
Washington State House of Representatives – 22<sup>nd</sup> District

Handwritten signature of Steve Tharinger in black ink.

Representative Steve Tharinger  
Washington State House of Representatives – 24<sup>th</sup> District

Handwritten signature of Steve Litzow in black ink.

Senator Steve Litzow  
Washington State Senate – 41<sup>st</sup> District

Handwritten signature of Gerry Pollet in black ink.

Representative Gerry Pollet  
Washington State House of Representatives – 46<sup>th</sup> District

Handwritten signature of Mary Lou Dickerson in black ink.

Representative Mary Lou Dickerson  
Washington State House of Representatives – 36<sup>th</sup> District

Handwritten signature of Laurie Jinkins in black ink.

Representative Laurie Jinkins  
Washington State House of Representatives – 27<sup>th</sup> District



*Deborah Eddy* Washington State Legislature

Representative Deborah Eddy  
Washington State House of Representatives – 48<sup>th</sup> District

*Adam Kline*

Senator Adam Kline  
Washington State Senate – 37<sup>th</sup> District

*Cindy Ryu*

Representative Cindy Ryu  
Washington State House of Representatives – 32<sup>nd</sup> District

*Eileen Cody*

Representative Eileen Cody  
Washington State House of Representatives – 34<sup>th</sup> District

*Judy Clibborn*

Representative Judy Clibborn  
Washington State House of Representatives – 41<sup>st</sup> District

*Cary Condotta*

Representative Cary Condotta  
Washington State House of Representatives – 12<sup>th</sup> District



## Washington State Legislature

Handwritten signature of Representative Luis Moscoso.

Representative Luis Moscoso  
Washington State House of Representatives – 1<sup>st</sup> District

Handwritten signature of Senator Karen Fraser.

Senator Karen Fraser  
Washington State Senate – 22<sup>nd</sup> District

Handwritten signature of Senator Joe Fain.

Senator Joe Fain  
Washington State Senate – 47<sup>th</sup> District

Handwritten signature of Senator Cheryl Pflug.

Senator Cheryl Pflug  
Washington State Senate – 5<sup>th</sup> District

Handwritten signature of Senator Jerome Delvin.

Senator Jerome Delvin  
Washington State Senate – 8<sup>th</sup> District

cc: The Honorable Barack Obama, President of the United States  
The Honorable Eric Holder, U.S. Attorney General  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health & Human Services  
The Honorable Margaret Hamburg, M.D., FDA Commissioner  
The Honorable Chris Gregoire, Governor, State of Washington

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SENATE JOINT MEMORIAL 8017

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Kohl-Welles, Keiser, Murray, Delvin, Conway, Pflug, Tom, Regala, Fain, Fraser, and Kline

Read first time 01/26/12. Referred to Committee on Health & Long-Term Care.

1 TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND  
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO MICHELE LEONHART,  
5 ADMINISTRATOR, UNITED STATES DRUG ENFORCEMENT ADMINISTRATION:

6 We, your Memorialists, the Senate and House of Representatives of  
7 the State of Washington, in legislative session assembled, respectfully  
8 represent and petition as follows:

9 WHEREAS, Sixteen states and the District of Columbia have enacted  
10 laws permitting the medical use of marijuana. However, federal law  
11 continues to classify marijuana as a drug for which there is no medical  
12 use; and

13 WHEREAS, The divergence in state and federal law creates a  
14 situation where there is no regulated and safe system to supply  
15 legitimate patients who may need medical cannabis. It is clear that  
16 the long-standing classification of medical use of cannabis in the  
17 United States as an illegal Schedule I substance is fundamentally  
18 flawed and should be changed; and

19 WHEREAS, Governor Chafee and Governor Gregoire recently submitted

1 a petition to initiate rule-making proceedings for the reclassification  
2 of medical cannabis (also known as marijuana) from Schedule I to  
3 Schedule II of the Controlled Substances Act;

4 NOW, THEREFORE, Your Memorialists write in support of Governor  
5 Chafee and Governor Gregoire's petition and respectfully pray that the  
6 Drug Enforcement Administration initiate rule-making proceedings to  
7 reclassify medical marijuana as a Schedule II drug so qualifying  
8 patients who follow state law may obtain the medication they need  
9 through the traditional and safe method of physician prescribing and  
10 pharmacy dispensing.

11 BE IT RESOLVED, That copies of this Memorial be immediately  
12 transmitted to the Honorable Barack Obama, President of the United  
13 States, Michele Leonhart, Administrator of the United States Drug  
14 Enforcement Administration, the President of the United States Senate,  
15 the Speaker of the House of Representatives, and each member of  
16 Congress from the State of Washington.

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801 – 228<sup>th</sup> Avenue SE • Sammamish, WA 98075 • Phone: 425.295.0500 • Fax: 425.295.0600 • web: [www.ci.sammamish.wa.us](http://www.ci.sammamish.wa.us)

TO: Ben Yazici, City Manager

February 10, 2012

FM: Jessica Sullivan, Sergeant

RE: Sammamish Solicitor Ordinance – Chapters 5.05 and 5.06

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### **Summary Statement:**

The proposed ordinance amendment and addition would change the existing licensing requirements for door to door solicitors seeking permits to work in the city. The new ordinance prohibits those with a criminal history related to the business of door to door sales, including but not limited to burglary, theft or fraud from obtaining a solicitor's license in the city of Sammamish. The ordinance also gives homeowners and law enforcement a remedy when door to door solicitors violate a posted "no solicitation" or similar sign at their residence.

### **Background:**

Door to door solicitors are very active in the city of Sammamish. Last year the city issued licenses to 20 different companies and 87 individuals. Law enforcement officers respond to frequent complaints about these solicitors as their sales tactics are often aggressive and intimidating to residents. Unless the solicitors have an active warrant for arrest or have failed to obtain the proper license, law enforcement is limited in their response to such complaints.

The ordinance in its present form merely requires solicitors to obtain the \$15 permit from the City Clerk. Currently, there is no provision for background checks of those seeking to solicit within the city. Additionally, the City Clerk has no ability to revoke such a permit if a solicitor is found to be engaged in criminal behavior while working in the city. There is also no prohibition against solicitors approaching homeowners who post "no solicitation" or other similar signage on their properties.

In December, eight solicitor licenses were issued by the city. Of those individuals who obtained licenses, five would have been denied permits under the new ordinance based on their criminal history. One solicitor was arrested on an active warrant and three had suspended drivers licenses.

The city of Issaquah has an ordinance pertaining to solicitor licenses very similar to our proposed ordinance. Issaquah issued less than ten solicitor licenses for all of 2011.

### **Proposed Amendment & Addition:**

The amendment to Chapter 5.05 and the addition of Chapter 5.06 creates more stringent requirements of those seeking to obtain a solicitor's license within the city. Specifically, the license fee increases from \$15 to \$30 and adds the requirement of a background check prior to issuance of a license. Applicants who, within the last ten years, have been convicted of a crime related to such sales including but not

limited to burglary, theft and fraud would be denied a license. The new section changes the expiration of all licenses to December 31 of each year which simplifies tracking of valid licenses. It also creates a provision whereby the City Clerk may suspend or revoke a license if a solicitor violates the conditions of the license. Finally, the new section allows residents to avoid contact with door to door solicitors entirely by adding a prohibition to the violation of a “no soliciting” or other similarly worded sign posted on their property. Solicitors who violate any provision of the new chapter shall be guilty of a misdemeanor.

As with the previous version of the ordinance, charitable, religious and non-profit organizations are exempt from the licensing requirement. Additionally, based on the protections of the First Amendment, newspaper subscription solicitors and vendors of books and periodicals are also exempt.

**CITY OF SAMMAMISH  
WASHINGTON**

**ORDINANCE NO. O2012-\_\_\_\_\_**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADDING A NEW CHAPTER 5.06 TO THE SAMMAMISH MUNICIPAL CODE TO BE ENTITLED “SOLICITOR’S LICENSE”; PROVIDING FOR SOLICITOR’S BUSINESS LICENSE FOR ENGAGING IN BUSINESS IN THE CITY; DEFINING TERMS; PROVIDING FOR PROCEDURES FOR ISSUING, SUSPENDING AND REVOKING SOLICITOR’S BUSINESS LICENSE; SETTING FORTH FEES; PROHIBITING LOUD NOISE; REGULATING USE OF CITY STREETS; RESTRICTING HOURS; REQUIRING RECORDS; AND SETTING FORTH PENALTIES AND DELETING SECTIONS OF 5.05 RELATING TO PEDDLERS**

WHEREAS, the City of Sammamish is a non-charter optional municipal code city incorporated under the laws of the State of Washington and has the power to enact ordinances and regulate solicitors for the protection of the public health, safety and general welfare;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Chapter 5.06 SMC Created. A new Chapter 5.06 (“Solicitor’s License”), is hereby added to the Sammamish Municipal Code to read as shown in Attachment “A”:

Section 2. Chapter 5.05 SMC Amended. Chapter 5.05 shall be amended as follows: Delete Section 5.05.020(5) and Section 5.05.030(3)(a):

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phase of this ordinance.

Section 4. Effective Date. This Ordinance is not subject to referendum as provided by law and shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published in the official newspaper of the City.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.**

CITY OF SAMMAMISH

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Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk:  
Public Hearing:  
First Reading:  
Public Hearing:  
Passed by the City Council:  
Date of Publication:  
Effective Date:

**Chapter 5.06  
SOLICITOR'S LICENSE**

Sections:

- 5.06.010 Definitions.
- 5.06.020 License – Required – Exemptions.
- 5.06.030 License – Application.
- 5.06.040 Investigation of application – Issuance and denial of license.
- 5.06.050 Fees.
- 5.06.060 Exhibition of license.
- 5.06.070 Expiration.
- 5.06.080 Revocation or suspension of license – Grounds.
- 5.06.090 Appeal.
- 5.06.100 Loud noises, speaking devices.
- 5.06.110 Use of streets.
- 5.06.120 Hours.
- 5.06.130 Records.
- 5.06.140 Penalty for violation.

**5.06.010 Definitions.**

A solicitor is defined as follows:

- A. Any person, both principals and agents, who shall sell, offer or expose for sale, or trade, deal or traffic in any personal property at retail in the City by going from house to house or from place to place or by indiscriminately approaching individuals;
- B. Sales by sample or for future delivery, and executor contracts of sale by solicitors or peddlers, are embraced within the preceding subsection; provided, however, that this section shall not apply to any salesman or canvasser who solicits trade from wholesale or retail dealers in the City;
- C. Any person who, while selling or offering for sale, any goods, wares, merchandise, services or anything of value, occupies any vacant lot, parcel of land, or any other place not used by such person as a permanent place of business, shall be deemed a solicitor.

**5.06.020 License – Required – No Soliciting Signs - Exemptions.**

- A. No person or individual shall act as a solicitor within the city limits without first obtaining a license therefor as provided in this chapter. It is a violation of this chapter to solicit without a valid license.

- B. It is a violation to solicit on premises that conspicuously display a “no solicitors” sign, or a sign with similar language.
- C. The following persons are eligible for an exemption to the license requirements and fee provisions of this chapter:
  - 1) Farmers, gardeners, or other persons who sell, deliver, or peddle agricultural, horticultural or farm products (including fruits, vegetables, berries, eggs, or other edibles) which they have actually grown, harvested, manufactured or produced, provided that this exception does not apply to sale of firewood;
  - 2) Charitable, religious or nonprofit organizations or corporations which have received tax exempt status under 26 U.S.C. 501(c)(3) or other similar civic, charitable, educational, political, or non-profit organizations.
  - 3) Newspaper subscription solicitors and vendors of books and periodicals

Provided, however, that any such person must first apply for an exemption on forms furnished by the City Clerk. Upon determination by the City Clerk that such person is exempt from the license requirements, a copy of the approved “application for exemption” shall be provided and must be carried by the person at all times the person solicits in the City.

**5.06.030 License - Application.**

- A. License applicants must file with the City Clerk a sworn application in writing on a form furnished by the City Clerk.
- B. All applicants must supply the following information:
  - 1) Name, home address, home telephone number, date of birth, valid driver’s license(s), vehicle description(s), and license plate numbers(s);
  - 2) Name, business address, mailing address, and phone number of sponsor, employer or association which the solicitor is representing, if applicable;
  - 3) Description of item(s) for sale;
  - 4) Business references;
  - 5) Whether or not the solicitor has ever been convicted of a crime related to the sale or representation of any goods, wares, merchandise or anything of value, and, if so, the details thereof (i.e. burglary, theft or crimes against the person).

**5.06.040 Investigation of application - Issuance and denial of license.**

- A. The City Clerk or designee shall verify the information included in the application.
- B. After verifying the information contained in the application, the City Clerk shall, upon payment of the prescribed fee, issue the license to the applicant. The City Clerk shall deny a license if the applicant has:
  - 1) Within the last 10 years been convicted of a crime or offense directly related to the sale or representation of any goods, wares, merchandise or anything of value, including, but not limited to burglary, theft, and fraud;
  - 2) Made a false or misleading statement in the application.

**5.06.050 Fees.**

Solicitor's license shall be as shown in the most current City Fee Schedule. Such fees shall be paid at the time of filing the application without proration.

**5.06.060 Exhibition of license.**

Solicitors are required to exhibit their license at the time of any solicitation and upon request by a police officer and any person being solicited.

**5.06.070 Expiration.**

All licenses issued under this chapter shall expire on December 31st of each year.

**5.06.080 Revocation or suspension of license – Grounds.**

The City Clerk may, at any time, suspend or revoke any license issued under the provisions of this chapter whenever the licensee, or any officer, employee or partner thereof:

- 1) Has violated any federal, state or city statute, law, regulation or ordinance directly related to his or her fitness for a solicitor's license, whether or not the licensee, or officer or partner thereof, has been convicted in any court of competent jurisdiction of such violation; or
- 2) Is conducting or has conducted, engaged in or operated a business stated in the license which does not conform to the ordinances of the City; or
- 3) Has maintained or permitted the business stated in the license to be conducted, engaged in or operated in such manner as to constitute a public nuisance; or

- 4) Has made any material false statement or representation in connection with obtaining the license.

**5.06.090 Appeal.**

- A. Whenever the City Clerk determines that there is cause for denial, suspension or revocation of a solicitor's license, the Clerk shall, by certified mail, notify the applicant or licensee of the Clerk's determination, including the grounds for denial, suspension or revocation. Notice mailed to the address on the application or license shall be deemed received three days after mailing.
- B. The licensee may appeal the decision of the City Clerk to deny, suspend or revoke a solicitor's license by filing a written notice of appeal to the hearing examiner within 21 days of the City Clerk's decision, pursuant to the procedures in Chapter 20.10 SMC.

No solicitor, nor any person on the solicitor's behalf, shall shout, make any outcry, blow a horn, ring a bell, or use any sound device, including any loud-speaking radio or sound-amplifying system for the purpose of attracting attention to any goods, wares or merchandise which such solicitor proposes to sell.

**5.06.110 Use of streets.**

No solicitor shall have any right to a stationary location in a public right of way.

**5.06.120 Hours.**

No person required to obtain a solicitor's license shall engage in the business of solicitation between the hours of 9:00 p.m. and 9:00 a.m.

**5.06.130 Records.**

The police shall report to the City Clerk all convictions for violations of this chapter, and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

**5.06.140 Penalty for violation.**

Any person failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties provided in Chapter 1.10 SMC.



## Memorandum

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DATE: February 9, 2012  
TO: City Council  
FROM: Ben Yazici, City Manager   
RE: Recreation Center – Condemnation

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I am pleased to inform you that the condemnation process for the property adjacent to the Boys and Girls Club Recreation Center is almost complete. You may recall that this property was needed to provide a second entrance to the site off of Inglewood Hill Road. A detailed summary of the process and the final outcome is provided below.

On April 5, 2011, the City Council held a public hearing on ordinance 2011-301 to condemn 7,355 sq. ft of land adjacent to the Boys and Girls Club Recreation Center. This ordinance allowed the City to use, as needed, the process of condemnation to acquire property necessary for the construction of a secondary access driveway from the existing parking lot to Inglewood Hill Road.

On April 18, 2011 the City Council adopted ordinance 02011-301. Adopting the ordinance allowed us to proceed with the driveway construction project and authorized the City Attorney to commence eminent domain proceedings pursuant to RCW 8.12.

You may recall that our original appraisal amount was \$110,000 and the property owner's (SEA Inglewood 2010, LLC) appraisal amount was \$128,000. In January 2012, it was negotiated between both parties to split the difference between the appraisals, settling the matter at \$119,500. We are currently waiting on signed paperwork from Fannie Mae (the deed of trust beneficiary for the property owners). Once this is completed, the payment for the purchase of the property will be deposited with the King County Courts and the City will receive a Decree of Appropriation.

No further action is required by the City Council.

It should also be noted that the driveway construction is now substantially complete and we are finalizing remaining punch list items.