

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

RESOLUTION No. 2014-77

**A RESOLUTION SUPPORTING A MEASURE BY THE CITY OF
SANTA FE TO PLACE THE QUESTION ON THE GENERAL
ELECTION BALLOT FOR CONSIDERATION BY CITY VOTERS
WHETHER THE PENALTY FOR POSSESSION OF ONE OUNCE
OR LESS OF MARIJUANA SHOULD BE REDUCED**

WHEREAS, approximately 25% of the states have either approved the use of cannabis for medical use, have decriminalized it for personal use, or have completely legalized and approved certain amounts for retail sale;

WHEREAS, cannabis is still listed as a Schedule I controlled substance under the federal Controlled Substance Act, an act that was signed into law in 1970 by President Richard Nixon;

WHEREAS, in 1973, Oregon became the first state to decriminalize the possession of cannabis, which was further decriminalized in 2013;

WHEREAS, bills to decriminalize the possession of small amounts of marijuana have passed in California in 2010, in Colorado in 2012, in the District of Columbia in 2014, in Maryland in 2014, in Massachusetts in 2009, in Minnesota in the 1970s, in Rhode Island in 2013, in Vermont in 2013, in Washington in 2012;

WHEREAS, some proponents of cannabis decriminalization have taken the position that decriminalizing cannabis would result in a large reduction in costs of related law enforcement activities including prison overcrowding;

WHEREAS, in 2007, the New Mexico Legislature passed, and Governor Richardson signed into law, the Lynn and Erin Compassionate Use Act, which permitted the medical use of cannabis for alleviating symptoms caused by debilitating medical conditions and their treatment;

WHEREAS, some 22 states have enacted medical marijuana laws;

WHEREAS, news accounts have reported that approximately 11,000 New Mexican residents are enrolled in the state's Medical Cannabis Program of whom more than 1/3 reside in Bernalillo County;

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WHEREAS, in February 2014, a certified physician's assistant, who is also a veteran suffering from PTSD and who had informed her employer that she was enrolled in the state's Medical Cannabis Program, was fired four days after being hired due to her disclosure of the enrollment;

WHEREAS, pursuant to Section 3.02 of the City of Santa Fe's Charter registered city voters may petition the City to propose ordinances provided that they produce sufficient, verifiable signatures on a petition approved by the City Clerk;

WHEREAS, the City Clerk for the City of Santa Fe has certified the requisite number of signatures on the petition seeking to amend two sections of the Santa Fe City Code to reduce the penalties for possession of one ounce or less of marijuana as well as possession of paraphernalia related to marijuana, which certification has been delivered to the County Clerk via a transmittal letter;

WHEREAS, an August 2012 New Mexico Attorney General Opinion concluded that while a municipality may not propose a local question on a statewide general election ballot, it could submit a question to its voters on a municipal election ballot for an election that is held coincidentally on the same day as the general election;

WHEREAS, after the issuance of the referenced 2012 New Mexico Attorney General Opinion, the City of Albuquerque, Bernalillo County and the Secretary of State, through their respective governmental managers and clerks, signed a memorandum of understanding ("MOU"), that permitted specific local questions to be placed on the November 2012 statewide general election ballot;

WHEREAS, the City of Santa Fe desires to hold a municipal election concurrently with the November 4, 2014 general election for City voters to consider a municipal question that involves whether the penalties for possession of one ounce or less of marijuana as well as possession of paraphernalia related to marijuana shall be reduced;

WHEREAS, placement of the City's municipal question on the general election ballot requires the approval of the Board of County Commission; and

WHEREAS, approval of placement of the referenced question on the general election ballot for consideration of registered City voters is pending before and scheduled to be heard by the City of Santa Fe on August 27, 2014.

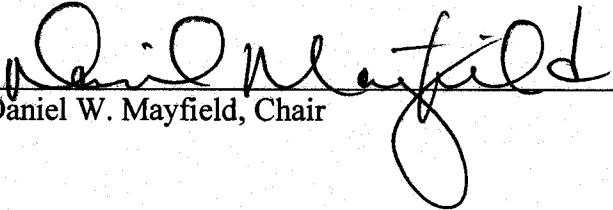
NOW, THEREFORE, BE IT RESOLVED BY THE Board of County Commissioners of Santa Fe County that, upon receipt of a certified copy of a resolution of the City of Santa Fe approving the placement of a question on the general election ballot for consideration by registered City voters, whether the City's Ordinance should be amended to reduce the penalties for possession of one ounce or less of marijuana as well as for possession of paraphernalia related to marijuana, the Board of County Commissioners of Santa Fe County supports the signing of an MOU described herein that authorizes the placement of the referenced municipal question on the general election ballot for consideration by registered voters of the City of Santa Fe.

REC'D CITY RECORDS 08/27/14

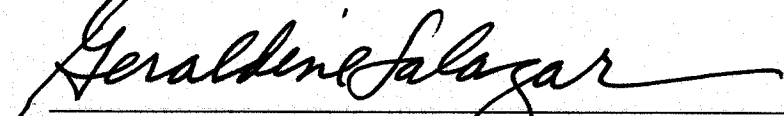
PASSED, APPROVED AND ADOPTED on this 26th day of August, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By:


Daniel W. Mayfield, Chair

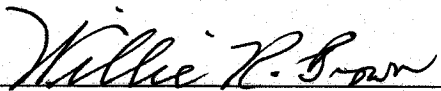
Attest:


Geraldine Salazar, Santa Fe County Clerk

8-26-2014



Approved as to form:

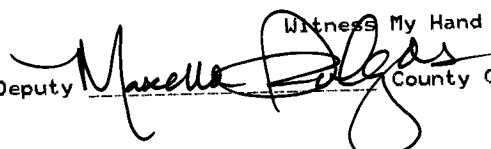

for: Gregory S. Shaffer, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 27TH Day Of August, 2014 at 03:47:36 PM
And Was Duly Recorded as Instrument # **1744556**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
 Geraldine Salazar
Deputy County Clerk, Santa Fe, NM

BCC CLERK RECORDED 08/27/2014