



**Roll Call Number**

21-0141

**Agenda Item Number**

58

**Date** January 25, 2021

**DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO DRAFT AN ORDINANCE AMENDING THE MUNICIPAL CODE CONCERNING MARIJUANA FOR CITY COUNCIL REVIEW SHOULD CHANGES IN FEDERAL OR STATE LAW PERMIT ADOPTION OF SUCH AN ORDINANCE**

WHEREAS, the Mayor and City Council created a Marijuana Task Force to, among other responsibilities, review city policies, state law and City Code related to marijuana and the elimination of any criminalization of marijuana in the City Code; and,

WHEREAS, federal law currently makes the possession of marijuana illegal and state law makes even the possession of marijuana for personal use a serious misdemeanor and the City is powerless under state and federal law from making possession for personal use a municipal infraction or other civil penalty; and,

WHEREAS, the Mayor and City Council believe that Des Moines residents would be better served by legalization of marijuana or at the very least, a lesser consequence for personal possession, but is powerless to do so unless and until state or federal law make such action possible; and,

WHEREAS, the Mayor and City Council wish to make such an ordinance available for Council review at the earliest possible moment should the state or federal government change the law to make such an ordinance possible.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:**

That the City Manager and City Attorney are hereby directed to return a draft ordinance to the City Council making possession of marijuana for personal use a municipal infraction no later than thirty (30) days after any change in state or federal law makes such an ordinance a valid legal enactment; provided, however, that no such ordinance shall be required should the State of Iowa make personal possession legal.



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Motion by Gatto to approve.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
VOSS	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

J. M. Frankin Cowrie Mayor

P. Kay Cmelik City Clerk