

COMMITTEE OF THE WHOLE WORKSESSION AGENDA

February 19, 2015

* Immediately following Finance Committee *
Mona Lisa Drexler Assembly Chambers
Fairbanks North Star Borough Administrative Center
809 Pioneer Road
Fairbanks, Alaska

1. MEMORANDA/REPORTS/PRESENTATIONS

- a. Interior Alaska Natural Gas Utility (IGU) update by representatives.

2. ADVANCED ORDINANCES AND RESOLUTIONS

- a. ORDINANCE NO. 2015-09. An Ordinance Amending Fairbanks North Star Borough Code Title 9 By Adding Chapter 9.17 Entitled Marijuana Products Regulation. (Sponsor: Assemblymember Roberts) **(Page 2)**

PROPOSED SUBSTITUTE BY MAYOR HOPKINS

ORDINANCE NO. 2015-09. An Ordinance Amending Fairbanks North Star Borough Code Title 9 By Adding Chapter 9.17 Entitled Marijuana **[PRODUCTS]** Regulation **AND ADDING DEFINITIONS PERTAINING TO MARIJUANA REGULATION. (Page 6)**

- b. ORDINANCE NO. 2015-10. An Ordinance Amending 9.20 Compulsory Attendance To Authorize Absences Related To Homelessness And Absences Listed In School Board Policy. **(Page 11)**
(Sponsors: Mayor Hopkins and Assemblymember Kassel)

3. BRIEFINGS FROM THE BOROUGH MAYOR

4. ASSEMBLY BUSINESS/COMMENTS

5. ADJOURNMENT

By: Lance Roberts
Introduced: January 29, 2015

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2015 - 09

AN ORDINANCE AMENDING FAIRBANKS NORTH STAR BOROUGH CODE TITLE 9
BY ADDING CHAPTER 9.17 ENTITLED MARIJUANA PRODUCTS REGULATION

WHEREAS, on November 26, 2014 the election results passing Alaska
Statute 17.38 were certified; and

WHEREAS, February 24, 2015 will be the effective date of AS 17.38; and

WHEREAS, AS 17.38 authorizes municipal regulation of the commercial
transfer of marijuana, marijuana products, and of marijuana establishments; and

WHEREAS, municipal regulation of marijuana establishments will
additionally be accomplished through zoning regulations within Title 18.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
North Star Borough:

Section 1. This ordinance is of a general and permanent nature and shall
be codified.

Section 2. Title 9, Public Peace, Morals and Welfare, of the Fairbanks
North Star Borough Code of Ordinances is amended to add the following:

Chapter 9.17 MARIJUANA PRODUCTS REGULATION

9.17.010 Purpose and Scope of Authority

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is underlined
Text to be *deleted* is [BRACKETED AND CAPITALIZED]

33 A. Purpose. The purpose of this chapter is to provide for the municipal regulation of
34 marijuana establishments as allowed by state law. This chapter and the regulations
35 herein are adopted pursuant to the express authority granted by Alaska Statute
36 17.38.110 and are intended to regulate marijuana establishments to the fullest extent
37 allowed by state statute in order to preserve the public peace, morals, and general
38 welfare.

39 B. Local control of marijuana establishments. The borough may by ordinance
40 exercise local control to the fullest extent allowed by state law, including the following
41 types of local control:

- 42 1. Prohibit the operation of all or any type of marijuana establishments;
- 43 2. Regulate marijuana establishments in a manner more restrictive than state
44 law;
- 45 3. Establish a local registration procedure for marijuana establishments;
- 46 4. Designate a local regulatory authority for the following purposes:
 - 47 i. Receive half of the state registration application fee;
 - 48 ii. Receive a copy of each state registration application and provide
49 input to the state on such application; and
 - 50 iii. Process applications for registration to operate a marijuana
51 establishment within the borough and to issue registrations in the event that the state
52 authority fails to process applications in accordance with AS 17.38.090 and AS
53 17.38.100; provided that, all such applications for registration must be processed within
54 90 days of receipt of the application or resubmitted application unless the application is
55 not in compliance with ordinances and regulations and the applicant is so notified;
- 56 5. Establish a schedule of annual operating fees;
- 57 6. Regulate the time and manner of operations of marijuana establishments;
- 58 7. Regulate the number of marijuana establishments; and
- 59 8. Regulate the manner in which marijuana and marijuana products may be
60 displayed by a retail marijuana store.

61

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Text to be *deleted* is [BRACKETED AND CAPITALIZED]

62 **9.17.020 Definitions**

63 The following definitions are set forth by AS 17.38.900 and apply to the terms as used in
64 this chapter:

65 “Local regulatory authority” means the office or entity designated to process
66 marijuana establishment applications by a local government.

67 “Marijuana” means all parts of the plant of the genus cannabis whether growing
68 or not, the seeds thereof, the resin extracted from any part of the plant, and every
69 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds,
70 or its resin, including marijuana concentrate. “Marijuana” does not include fiber
71 produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed
72 of the plant which is incapable of germination, or the weight of any other ingredient
73 combined with marijuana to prepare topical or oral administrations, food, drink, or other
74 products.

75 “Marijuana cultivation facility” means an entity registered to cultivate, prepare,
76 and package marijuana and to sell marijuana to retail marijuana stores, to marijuana
77 product manufacturing facilities, and to other marijuana cultivation facilities, but not to
78 consumers.

79 “Marijuana establishment” means a marijuana cultivation facility, a marijuana
80 testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

81 “Marijuana product manufacturing facility” means an entity registered to purchase
82 marijuana; manufacture, prepare, and package marijuana products; and sell marijuana
83 and marijuana products to other marijuana product manufacturing facilities and to retail
84 marijuana stores, but not to consumers.

85 “Marijuana products” means concentrated marijuana products and marijuana
86 products that are comprised of marijuana and other ingredients and are intended for use
87 or consumption, such as, but not limited to, edible products, ointments, and tinctures.

88 “Marijuana testing facility” means an entity registered to analyze and certify the
89 safety and potency of marijuana.

90 “Retail marijuana store” means an entity registered to purchase marijuana from
91 marijuana cultivation facilities, to purchase marijuana and marijuana products from

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92 marijuana product manufacturing facilities, and to sell marijuana and marijuana products
93 to consumers.

94

95 Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m.
96 of the first Borough business day following its adoption.

97

98 PASSED AND APPROVED THIS _____ DAY OF _____, 2015.

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105 ATTEST:

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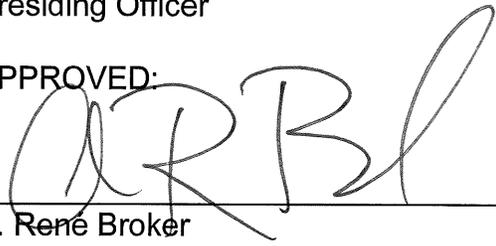
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109 _____
110 Nanci Ashford-Bingham, MMC
Borough Municipal Clerk

Karl Kassel
Presiding Officer

APPROVED:



A. René Broker
Borough Attorney

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1 **PROPOSED SUBSTITUTE**
2 **By: Luke Hopkins, Mayor**

By: Lance Roberts
Introduced: February 26, 2015

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4
5 FAIRBANKS NORTH STAR BOROUGH

6
7 ORDINANCE NO. 2015 - 09
8

9 AN ORDINANCE AMENDING FAIRBANKS NORTH STAR BOROUGH CODE TITLE 9
10 BY ADDING CHAPTER 9.17 ENTITLED MARIJUANA **[PRODUCTS]** REGULATION
11 **AND ADDING DEFINITIONS PERTAINING TO MARIJUANA REGULATION**
12

13 WHEREAS, on November 26, 2014 the election results passing Alaska
14 Statute 17.38 were certified; and

15
16 WHEREAS, February 24, 2015 will be the effective date of AS 17.38; and

17
18 WHEREAS, AS 17.38 authorizes municipal regulation of the commercial
19 transfer of marijuana, marijuana products, and of marijuana establishments; and

20
21 WHEREAS, municipal regulation of marijuana establishments will
22 additionally be accomplished through zoning regulations within Title 18[.]; **and**

23
24 **WHEREAS, the personal use of marijuana provisions set forth in AS**
25 **17.38 will become effective on February 24, 2015; and**

26
27 **WHEREAS, AS 17.38 does not provide a definition of the term**
28 **“public” as it relates to the personal use of marijuana; and**

29
30 **WHEREAS, proponents of the effort to legalize marijuana referred to**
31 **the initiative as the “Campaign to Regulate Marijuana Like Alcohol.”**
32

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33 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
34 North Star Borough:

35
36 Section 1. This ordinance is of a general and permanent nature and shall
37 be codified.

38
39 Section 2. Title 9, Public Peace, Morals and Welfare, of the Fairbanks
40 North Star Borough Code of Ordinances is amended to add the following:

41 **Chapter 9.17 MARIJUANA [PRODUCTS] REGULATION**

42 **9.17.010 Purpose and Scope of Authority**

43 A. Purpose. The purpose of this chapter is to provide for the municipal regulation of
44 **marijuana and marijuana** establishments as allowed by state law. This chapter and the
45 **regulations related to marijuana establishments** herein are adopted pursuant to the
46 **express authority granted by Alaska Statute 17.38.110. [AND] This chapter and the**
47 **regulations herein** are intended to regulate **marijuana and marijuana** establishments
48 **to the fullest extent allowed by state statute in order to preserve the public peace,**
49 **morals, and general welfare.**

50 B. Local control of marijuana establishments. The borough may by ordinance
51 **exercise local control of marijuana establishments** to the fullest extent allowed by
52 **state law, including the following types of local control:**

- 53 1. Prohibit the operation of all or any type of marijuana establishments;
54 2. Regulate marijuana establishments in a manner more restrictive than state
55 law;
56 3. Establish a local registration procedure for marijuana establishments;
57 4. Designate a local regulatory authority for the following purposes:
58 i. Receive half of the state registration application fee;
59 ii. Receive a copy of each state registration application and provide
60 input to the state on such application; and

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61 iii. Process applications for registration to operate a marijuana
62 establishment within the borough and to issue registrations in the event that the state
63 authority fails to process applications in accordance with AS 17.38.090 and AS
64 17.38.100; provided that, all such applications for registration must be processed within
65 90 days of receipt of the application or resubmitted application unless the application is
66 not in compliance with ordinances and regulations and the applicant is so notified;

- 67 5. Establish a schedule of annual operating fees;
68 6. Regulate the time and manner of operations of marijuana establishments;
69 7. Regulate the number of marijuana establishments; [AND]
70 8. Regulate the manner in which marijuana and marijuana products may be
71 displayed by a retail marijuana store[.]; and
72 9. Establish civil penalties for violation of borough ordinance.

73
74 **9.17.020 Definitions**

75 **[THE FOLLOWING DEFINITIONS ARE SET FORTH BY AS 17.38.900 AND APPLY**
76 **TO THE TERMS AS USED IN THIS CHAPTER:]**

77 **“Consume” means, in all conjugate forms, the act of ingesting, inhaling, or**
78 **otherwise introducing marijuana into the human body.**

79 “Local regulatory authority” means the office or entity designated to process
80 marijuana establishment applications by a local government.

81 “Marijuana” means all parts of the plant of the genus cannabis whether growing
82 or not, the seeds thereof, the resin extracted from any part of the plant, and every
83 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds,
84 or its resin, including marijuana concentrate. “Marijuana” does not include fiber
85 produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed
86 of the plant which is incapable of germination, or the weight of any other ingredient
87 combined with marijuana to prepare topical or oral administrations, food, drink, or other
88 products.

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89 “Marijuana cultivation facility” means an entity registered to cultivate, prepare,
90 and package marijuana and to sell marijuana to retail marijuana stores, to marijuana
91 product manufacturing facilities, and to other marijuana cultivation facilities, but not to
92 consumers.

93 “Marijuana establishment” means a marijuana cultivation facility, a marijuana
94 testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

95 “Marijuana product manufacturing facility” means an entity registered to purchase
96 marijuana; manufacture, prepare, and package marijuana products; and sell marijuana
97 and marijuana products to other marijuana product manufacturing facilities and to retail
98 marijuana stores, but not to consumers.

99 “Marijuana products” means concentrated marijuana products and marijuana
100 products that are comprised of marijuana and other ingredients and are intended for use
101 or consumption, such as, but not limited to, edible products, ointments, and tinctures.

102 “Marijuana testing facility” means an entity registered to analyze and certify the
103 safety and potency of marijuana.

104 “Public,” as used in AS 17.38.020 and AS 17.38.040 and as used in this
105 chapter, means a place to which the people as a whole or a substantial group of
106 persons has access without restriction and includes, but is not limited to, any
107 building that used by or open to the people as a whole or a substantial group of
108 persons, in or upon any highway as defined by state law, specifically AS
109 11.81.900(30), whether in a vehicle or not, sidewalks, rivers, lakes, parks,
110 convention centers, shopping centers, transportation facilities, school facilities,
111 correctional facilities, lobbies, doorways and other portions of apartment
112 buildings and hotels that are not designed for actual dwelling or residence, any
113 outdoor location where the consumption of marijuana is clearly observable from
114 the foregoing public places, and any location similar to those places delineated
115 herein. Notwithstanding the foregoing, a location with proper licensure in place
116 and that is in compliance with applicable state law and regulation, borough
117 ordinance, including borough licensure requirements, if any, and that is operating

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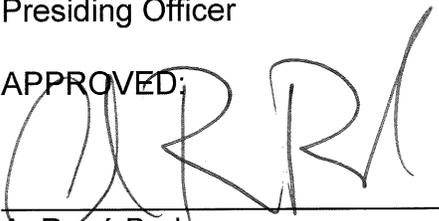
118 within the restrictions of such law and licensure is not a public place within the
119 meaning of AS 17.38.020 and AS 17.38.040.

120 "Retail marijuana store" means an entity registered to purchase marijuana from
121 marijuana cultivation facilities, to purchase marijuana and marijuana products from
122 marijuana product manufacturing facilities, and to sell marijuana and marijuana products
123 to consumers.

124
125 Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m.
126 of the first Borough business day following its adoption.

127
128 PASSED AND APPROVED THIS ____ DAY OF _____, 2015.

129
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131
132 Karl Kassel
133 Presiding Officer

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135 ATTEST: APPROVED: 
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139 Nanci Ashford-Bingham, MMC
140 Borough Municipal Clerk
A. René Broker
Borough Attorney

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1 By: Luke T. Hopkins
2 Karl Kassel
3 Introduced: February 12, 2015
4
5

6 FAIRBANKS NORTH STAR BOROUGH

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8 ORDINANCE NO. 2015 - 10
9

10 AN ORDINANCE AMENDING 9.20 COMPULSORY ATTENDANCE TO AUTHORIZE
11 ABSENCES RELATED TO HOMELESSNESS AND ABSENCES LISTED IN SCHOOL
12 BOARD POLICY
13

14 WHEREAS, the Fairbanks North Star Borough in 2014 working
15 cooperatively with the School Board, adopted an ordinance providing for compulsory
16 attendance; and
17

18 WHEREAS, the ordinance makes all absences not specifically listed in
19 code "unlawful"; and
20

21 WHEREAS, the ordinance provides that in the event of a conflict between
22 the ordinance and school policies, the ordinance would control; and
23

24 WHEREAS, the school board recently adopted Resolution 2015-14
25 requesting an amendment of the ordinance to authorize the school district to "excuse
26 certain absences by policy, including tardiness and absences related to homelessness."
27

28 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
29 North Star Borough:
30

31 Section 1. This ordinance is of a general and permanent nature and shall
32 be codified.
33

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34 Section 2. FNSBC 9.20.030 B.1. regarding absences not considered
35 unlawful is amended to add the following subsection:

36 r. Absences due to homelessness or student in transition status as
37 verified by the McKinney-Vento liaison.

38
39 Section 3. FNSBC 9.20.030 B.2. regarding unlawful absences is hereby
40 amended as follows:

41 2. The following are unlawful absences:

42 a. Absences from school due to illness exceeding five consecutive
43 school days to not total more than 10 sick days in a semester unless excused by a
44 notes from a treating physician or other medical provider received by the school district
45 within two school attendance days of the last day of absence;

46 b. Absences other than those listed in subsection (B)(1) of this section
47 or listed in school board policy.

48
49 Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m. of the
50 first Borough business day following its adoption.

51
52 PASSED AND APPROVED THIS _____ DAY OF _____, 2015.

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ATTEST:

Nanci Ashford-Bingham, MMC
Borough Municipal Clerk

Karl Kassel
Presiding Officer

APPROVED:



A. René Broker
Borough Attorney

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FAIRBANKS NORTH STAR BOROUGH BOARD OF EDUCATION

RESOLUTION 2015-14:

**REQUESTING THE FAIRBANKS NORTH STAR BOROUGH ASSEMBLY'S
AMENDMENT OF ORDINANCE NO. 2014-28 CONCERNING COMPULSORY
SCHOOL ATTENDANCE**

WHEREAS, the Fairbanks North Star Borough Assembly passed and approved Ordinance No. 2014-28 on June 12, 2014; and

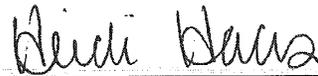
WHEREAS, Ordinance 2014-28 adopts a new Chapter to Borough Code addressing Compulsory School Attendance; and

WHEREAS, the Fairbanks North Star Borough Board of Education has significant concern for the children and youth in the school district experiencing homelessness; and

WHEREAS, the federal McKinney-Vento Act requires schools to identify and remove all barriers for enrollment and retention in school for students in transition due to homelessness;

NOW, THEREFORE, BE IT RESOLVED, the Fairbank's North Star Borough Board of Education requests the Assembly's amendment of Ordinance No. 2014-28 to permit the school district to excuse absences by policy, including tardiness and absences related to homelessness.

PASSED AND APPROVED: January 20, 2015



Heidi Haas, President
Board of Education

ATTEST:



Sharon Tuttle
Executive Assistant to the Board

